United Nations A/HRC/WG.6/19/NIC/1

General Assembly

Distr.: General
17 February 2014
English
Original: Spanish

Human Rights Council
Working Group on the Universal Periodic Review
Nineteenth session
28 April–9 May 2014

National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

Nicaragua

* The present document has been reproduced as received. Its content does not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations.

GE.14-11010 (E) 260314 310314

1411010

Please recycle

Contents

	Paragraphs	*Page*
Introduction	1–2	3
Methodology used for the preparation of the report	3–5	3
General aspects	6–15	3
Public policies and the National Human Development Plan	16–21	5
Economic rights	22–31	6
Labour rights	32–35	7
Family rights	36–37	8
Right to health and social security	38–44	8
Right to education	45–53	9
Rights of children and adolescents	54–58	10
Rights of older persons	59–61	11
Women's rights	62–70	11
Right to drinking water and sanitation	71–72	12
Access to electricity, productive infrastructure and communications	73–76	13
Right to decent housing	77–79	13
Right to own property and restitution of the rights of indigenous peoples' rights	80–81	13
Right to a healthy environment and protection from the effects of climate change	82–86	14
Right to public safety and justice	87–103	15
Fight against trafficking in persons and rights of irregular migrants	104–106	17
Promotion and defending human rights	107–112	17
Right to freedom of expression and freedom of association	113–114	18
Right to vote and be elected	115–119	18
International commitments and dialogue	120–122	19
Conclusion	123–124	19

Introduction

1. The Government of Reconciliation and National Unity in accordance with its mission to respect human rights, peace and solidarity, submits to the international community its achievements in the field of human rights between 2010 and 2013 in the framework of the second cycle of the universal periodic review (UPR).

2. We are grateful for the interest in the development of the Nicaraguan people shown by the international community through the recommendations of the States in the first UPR cycle, most of which supported and encouraged the Nicaraguan Government to continue the programmes and projects that it had already launched.

Methodology used for the preparation of the report

3. This second report has been prepared in accordance with General Assembly resolution 60/251, as well as resolutions 5/1 and 16/21, and decision 17/19 of the Human Rights Council.

4. A government commission, headed by the President of the Republic, was set up to prepare for the UPR in May 2013, composed of the Ministry of the Interior, the Counsel-General's Office (*Procuraduría General de la República*), the National Police, the National Prison Service, the Ministry of Health, the Nicaraguan Social Security Institute, the Ministry of Education, the Ministry of the Family, Adolescents and Children, the Ministry for Women, the Ministry for Household, Community, Cooperative and Associative Economy, the Ministry of Agriculture and Forestry, the Ministry of Labour, the National Development Information Institute, the National Disaster Prevention System, the Ministry of Foreign Affairs, with further participation by the Public Prosecution Service and State powers, i.e., the National Assembly, the Supreme Electoral Council and the Supreme Court of Justice.

5. The progress and challenges encountered during the period under review were addressed with a critical eye on the development of the human rights of the Nicaraguan people, using various tools, such as reports, working groups, and discussion and exchange sessions on the performance of each institution and intergovernmental committees, using programmes and projects in line with the National Plan for Human Development, in connection with the recommendations adopted for Nicaragua at the 2010 UPR cycle. In addition, technical working meetings were held to prepare the report with representatives of the Office of the United Nations High Commissioner for Human Rights. Lastly, the report was verified by the Office of the Human Rights Advocate in Nicaragua.

General aspects (paragraph II 90, recommendations 33, 43, 44, 47, 48, 49, 50 and 57)

6. One of the most important events during this period, regarding the governance of the Nicaraguan people, has been the election, for a second presidential term from 2012 to 2016, of Comrade Commander Daniel Ortega Saavedra as the leader of the Government of Reconciliation and National Unity, which enables him to continue pursuing the goal of the human, social and economic development of the country.

7. The strategic objectives of the Government are sustained economic growth, reduction of poverty and extreme poverty, increase of quality employment, reduction of social inequality and improvement of the quality of life of Nicaraguans, through the

restoration of their fundamental rights by applying the *vivir limpio, vivir sano, vivir bonito, vivir bien* strategy (live clean, live healthy, live nicely, live well), which gives priority to children, young people and women. The success of the Government is reflected in surveys, such as the CID Gallup,[1] which ranks Commander Ortega as the President in second place in terms of recognition of his work in Latin America.

8. In 2013, the British New Economics Foundation published the third edition of the "Happy Planet Index", a league table which, every two years, measures the happiness levels of countries using three criteria: the level of well-being that inhabitants say they experience, life expectancy and a nation's ecological footprint. Nicaragua ranked eighth out of the 151 countries surveyed, where people were happiest. According to the Travel Channel, which displays this index on its website, Nicaragua is characterized by its natural beauty and its small ecological footprint, which, in addition to it being the safest country in the Central American region, have made it an attractive tourist destination.

9. Nicaragua's efforts to eradicate poverty and extreme poverty have received international recognition thanks to the implementation of a model of direct, participatory democracy, based on partnership, complementarity and shared responsibility between central and municipal government, producers, and business, with the active participation of the community.

10. This model has contributed to a decrease in general poverty from 48.3 to 42.5 per cent and in extreme poverty from 17.2 to 14.6 per cent between 2005 and 2009, with a further decline in 2011 to 8.2 per cent.[2] Social inequality, measured through the Gini coefficient, fell from 0.41 to 0.37 in this same period.

11. At 2013 FAO Conference in Rome, Nicaragua was recognized for meeting the goal established at the World Food Summit in 1996 of halving the number of undernourished persons by 2015 ahead of time, achieving a reduction in the prevalence of malnutrition from 55.1 to 20.1 per cent between 2010 and 2012, which made it one of the clearly leading countries in the fight against poverty and extreme poverty. The effectiveness of programmes against poverty, hunger and public insecurity, among others, was also recognized. The management model which is progressively changing the social fabric of the nation was applauded, as were the Zero Hunger, Family Garden and the Food Production Voucher schemes aimed at furthering development of the agricultural sector and safeguarding personal consumption in the country.

12. From 2008 to 2012, foreign direct investment grew by 105 per cent, reflecting confidence in the future of the Nicaraguan economy. In terms of exports, the chief engine of growth in a developing country, Nicaragua grew by 83 per cent, both of these growth rates being the highest in Central America.

13. The comparison of Nicaragua's gross domestic product in 2011 (5.4 per cent) and 2012 (5.2 per cent) with that of 2006 (4.2 per cent) shows that Nicaragua's economic recovery is a reality, while continued growth is expected 2013.[3] In the midst of a global crisis, Nicaragua has continued to progress with an expanding economy and a more equitably distributed income per capita.

14. According to the International Monetary Fund,[4] "*The Nicaraguan economy has recovered strongly from the global financial crisis of 2008–09. Helped by high export prices, large concessional and foreign direct investment flows, and broadly appropriate macroeconomic policies, the economy has averaged growth rates in excess of 4.5 percent during 2010–11. Inflation rates have remained relatively contained; fiscal accounts have improved on the back of the 2009 tax reform and stronger economic activity; and the international reserve position of the Central Bank has strengthened.*" The IMF maintained that same position in 2013, when the mission stated that "*The macroeconomic outlook for the short- and medium-term is favourable. ...*", adding that "*The mission supports the*

monetary authority's commitment to maintain low inflation and increase international reserves ...".

15. According to the CID Gallup poll of November 2012, Nicaragua is the only country in Central America where over 55 per cent of the population believe that their country is headed in the right direction, a radical change compared with the opinion published by the same consulting services company in May 2006 whereby 72 per cent considered the country to be headed in the wrong direction.

Public policies and the National Human Development Plan (paragraph II 90, recommendations 11, 12, 15, 36, 38, 43, 44, 48, 49, 50 and 66)

16. Ever since the Government of Reconciliation and National Unity came to power in 2007, it has considered the community and humankind to be central to its public policies, so that its goal is to restore the people's rights and values which had been violated during the 17 years of neoliberal governments.

17. In Nicaragua, the instrument containing strategic development guidelines is the National Human Development Plan, the 2007–2012 version of which was applied during that period. The National Human Development Plan 2013–2017 has now been adopted, with the aim of increasing productivity, generating wealth, reducing poverty and inequality, and incorporating new development challenges such as major undertakings, including the Nicaragua Interoceanic Grand Canal project, the change of energy matrix and other national priorities.

18. The National Human Development Plan 2007–2012 established 13 policy guidelines, including macroeconomic stability, social development, public safety, productive infrastructure, stability of the energy sector, consensus, partnerships and social stability. Despite the global economic and financial crisis, Nicaragua has achieved positive results in terms of macroeconomic stability and the sustainability of public finances and external accounts, with an economic growth rate above the region's average of 5 per cent in 2011 and 2012.[5]

19. These actions were carried out thanks to a strategic partnership agreement among workers, businesses and the Government, guaranteeing social stability at all times. This environment led to gross foreign investment inflows reaching historic levels, mainly in industry, telecommunications and energy, reflecting the stability of the country and the confidence of investors, with further growth of 33 per cent compared with 2011.

20. In order to improve economic and social indicators, priority was given to infrastructure in the sectors of drinking water, education, health, social housing, land, port and energy transport, increasing generating capacity and making strategic progress with the change of energy matrix based on an increase in renewable resources from 27 per cent in 2007 to 51.2 per cent in 2013. That figure is expected to reach 56 per cent by 2016, through the matrix change projects that are under way, and 90 per cent by 2020. Nicaragua occupies third place among 26 countries in Latin America and the Caribbean as an attractive market for renewable energy and first place as a favourable environment and for investment and funding in clean energy.[6]

21. Social policy has played an active role in achieving a significant reduction in general and extreme poverty, with a focus on ensuring that the poorest are provided with goods and services in the areas of health, education, water, sanitation, food, social protection, housing and capitalization. Public participation in decisions and governmental actions is ensured

through the strategy of shared responsibility among sectoral cabinets, the family, community and life cabinets and local governments.

Economic rights (paragraph II 90, recommendations 43, 44, 45, 46, 47, 48, 49, 50 and 57)

22. The production strategy aims to strengthen the economies of households, communities and cooperatives, as well as food sovereignty and security. New legislation has included: Act No. 693 on food and nutritional sovereignty and security (2009); Act No. 765 on the promotion of agroecological or organic production (2011); Act No. 759 on traditional ancestral medicine (2011); Act No. 804 on the establishment of the Ministry responsible for the economies of households, communities, cooperatives and associations (2012), and adoption of the policy on the sustainable management of timber-yielding and non-timber species in Nicaragua.

23. In Nicaragua, households account for 70 per cent of economic activity; as a whole they generate 70 per cent of employment and 40 per cent of gross domestic product. Currently, 85.1 per cent of producers[7] are small or medium-sized, producing 90 per cent of the total fruit, vegetables and honey in Nicaragua, as well as 80 per cent of staple grains, 65 per cent of meat and 60 per cent of coffee.

24. A comparison between 2001 and 2011 shows an increase in the number of women agricultural producers of 71.1 per cent, as well as an increase in the number of agricultural producers with units of less than 0.5 manzanas of 434 per cent and of agricultural producers with units of between 0.5 and one manzana of 155 per cent, with a greater increase in both cases in the proportion of women than men. Furthermore, the number of individual agricultural producers rose by 62,997, of whom 68 per cent (43,166) are from the Caribbean Coast.

25. As of December 2012, the economically active population represented 52.77 per cent of the total population of Nicaragua. Of that population, 97 per cent were employed,[8] representing a rise of 938,559 persons (44.9 per cent) compared with November 2006, with a further increase of 4.4 per cent in 2013.

26. The dynamic employment of women in rural areas clearly reflects the impact of the Zero Hunger programme as a force for generating employment and combating poverty. The Zero Hunger programme currently covers 136 per cent more persons than in the period 2007–2009. Through the Food Production Aid scheme, set up by the Government, 111,964 families have been incorporated into the economy, of whom 78,375 (70 per cent) have been able to reproduce the goods they received and to take part in economic activity. On average they consume 85 per cent of what they produce, which allows them to improve their food intake and to sell 15 per cent of their surplus.

27. The project to support the inclusion of small-scale producers in value chains and market access (and the development programme for the dry region in Nicaragua), created in 2010, benefited 30,611 people in agro-industry development, in addition to the 7,576 families who benefited from the same programme between 2007 and 2009.

28. Starting in the 2011 farming cycle, the special support plan for small-scale producers of staple grains was launched, which to date has granted 138,741 loans at a fair annual rate of 5 per cent, benefiting at least 110,210 people.

29. In 2012 the *Patio Saludable* (healthy yard) programme was created, bringing 109,767 impoverished families from urban and peri-urban areas into agricultural production. In the same year, the rural development programme for the Caribbean Coast was launched, aimed at coconut cultivation and application of the agrifood model,

benefiting 1,386 indigenous and Afro-descendant families, as well as the programme to promote the production and processing of the moringa tree, a source of protein for human and animal consumption, benefiting 1,426 families.

30. Between 2009 and 2013, 49,975 people benefited from technology transfer activities and received technical assistance. Agricultural productivity has improved through the use of good practices, agricultural planning charts, improved quality of seeds and technical assistance in the field. The traceability system has been extended to 26,244 livestock farms. Overall, technical assistance and training for agricultural producers increased by 275 per cent between 2001 and 2011. In 2011, 93 per cent of applicants were granted agricultural loans, while in 2001 only 62 per cent were successful.

31. For the promotion of small, medium-sized and microenterprises in manufacturing and trade, 50,202 persons received support.

Labour rights (paragraph II 90, recommendation 14; paragraph II 92, recommendations 1 and 4)

32. At international level, Nicaragua is a State party to the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169), Domestic Workers Convention, 2011 (No. 189) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. In addition to free recruitment, the Ministry of Labour, through the public employment services, helped 11,401 persons to enter the labour market as part of a further effort to provide decent work. The right to work for migrants is established in articles 16 and 17 of Act No. 761 on migration and alien affairs, which sets out the procedure for obtaining an administrative work permit. This right is also granted to refugees hosted by the State to assist their socioeconomic integration into the country.

33. At national level, oral labour proceedings were incorporated into the legal system; the programme to eradicate and prevent child labour and to protect adolescent workers was implemented and the General Labour Inspection Act was adopted. Furthermore, Act No. 763 on the Rights of Persons with Disabilities, Act No. 820 on HIV/AIDS and the regulations governing special Act No. 718 on family protection were all adopted with a view to guaranteeing work for persons with different capacities, persons living with HIV/AIDS and pregnant women.

34. The Government's labour policy is carried out through a national tripartite alliance, consisting of the State, Employers and Workers. An agreement was reached on the rise in minimum salaries between 2010 and 2013: 162 per cent in the agricultural sector, 128 per cent in the industrial free zone, and 156 per cent in the remaining economic sectors. Between 2010 and 2013, the inter-institutional network for equality and non-discrimination in employment was created, which has continued its efforts to foster a new work culture, respect for and effective fulfilment of equal rights and opportunities, and the rights of workers with disabilities, workers living with HIV/AIDS and pregnant women.

35. The Government has formulated the national plan for employment and decent work for young people as an instrument through which to build strategic alliances and prosperity for the promotion of quality employment and productive work, which gives young people a sense of dignity, respects their labour rights and supports their social inclusion.

Family rights

36. The comprehensive family and community care model has been created, in which the Nicaraguan family plays a fundamental role in the development of society, culture, values and identity, and in coordination with the family, community and life cabinets represents the organized participation of families and the community, which will be raised to constitutional status.

37. The Family Code, which is in the process of legislative approval, will govern areas concerning comprehensive family protection, the best interest of the child, responsible parenting, equal opportunities and the role of the institutions of the State, family and society.

Right to health and social security (paragraph II 90, recommendations 14, 47, 51, 52, 53, 54, 55, 56 and 65; paragraph II 92, recommendations 12, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 40)

38. The Government has strengthened the right to health through the family and community health-care model, based on the primary health-care strategy, which is the first point of contact for individuals, families and the community with the national health system in the place where they live or work. In addition, a framework agreement has been implemented between the Ministry of Health and the autonomous regional governments to implement and develop the intercultural health-care models for the Caribbean Coast, as well as the standards contained in Act No. 774 on natural medicine, therapies, and complementary and natural products.

39. Between 2006 and 2013, the Government extended national coverage, increasing the number of health facilities from 116 to 143 and maternity facilities (*casas maternas*) from 12 to 25. It has built and brought into operation three new hospitals in the Autonomous Region of the Southern Atlantic (RAAS) and established a comprehensive local health-care system in the mining triangle of the North Atlantic Autonomous Region (RAAN).

40. During the same period, the number of doctors was increased from 2,221 to 4,659, health workers from 21,083 to 28,442, the network of community facilities from 1,091 to 1,235, while an additional 31 institutions providing health services were established, to be supervised by the Nicaraguan Social Security Institute.

41. The quality of care for the population has improved, with an increase in primary care consultations from 8.5 million to 16.7 million, specialist consultations from 1,351,000 to 3,109,000, hospital discharges from 287,519 to 407,000, and surgical operations from 111,194 to 293,819. In addition, 61,422 computed tomography scans, 19,715 magnetic resonance imaging scans and over 145,000 interventions with new technologies for heart diseases and cancer have been carried out. Through Operation Miracle, 122,545 eye surgeries have been performed with the support of the Cuban and Venezuelan peoples.

42. The fertility rate has decreased from 2.7 to 2.4, teenage pregnancy from 25.9 to 24.4 per cent, the rate of maternal mortality to 50 deaths for every 100,000 live births, infant mortality from 31 to 17 and the level of malnutrition in children by 4.4 percentage points.

43. The *Todos con Voz* medical programme is being pursued, providing comprehensive home care to 126,316 persons with various disabilities. The *Comandante Carlos Fonseca Amador* National Rehabilitation Centre for the blind and visually impaired, has been built and five hearing centres are in operation.

44. The number of workers covered by the social security system increased by 176 per cent, i.e. from 381,000 to 674,000 persons, in 2012. Likewise, the number of employers covered increased from 15,990 to 25,679.

Right to education (paragraph II 90, recommendations 45, 46, 47, 53, 55, 56, 58, 59, 60, 61, 62, 63 and 65; paragraph II 92 recommendation 42)

45. Since re-establishing free public education in 2007, the Government has increased the national general budget for education by 35 per cent compared with 2006, in order to consolidate the foundations that guarantee the right to caring, quality education for children and adolescents.

46. The number of public education system teachers in 2013 was up by 8 per cent on 2009, and 2,600 of those were trained as teacher trainers through the certification course to improve the quality of education.

47. The preschool and primary school curricula have been redesigned with a bilingual intercultural approach for indigenous and Afro-descendant peoples, as has the curriculum for initial teacher training with a focus on values.

48. In 2013, initial enrolment in preschool education increased by 11 per cent compared with 2009 and the school retention rate rose from 86 per cent in 2009 to 94 per cent in 2012. The school retention rate in primary education rose from 90.5 per cent in 2009 to 92 per cent in 2012, which was achieved through 115,002 visits as part of a joint effort by the Ministry of Education, the Ministry of Family, Adolescence and Childhood, and the community.

49. In 2013, initial enrolment in secondary education, with the campaign *Batalla por el Noveno Grado* (Fight for ninth grade), was up by 14.4 per cent in 2009; the school retention rate improved from 86.2 per cent in 2009 to 88.1 per cent in 2012.

50. The objective pursued by the Sandinista Revolution to free people from illiteracy is pursued through ongoing literacy and post-literacy programmes, which have reduced the illiteracy rate from 16.5 per cent in 2007 to 3 per cent in 2013.

51. Improvements in the conditions of education establishments have been ensured by building 540 community-run nursery schools, equipping 17,590 school facilities, and providing 232,063 new desks, 4,508,111 textbooks, 333,813 school uniforms, 748,578 pairs of shoes, 1,482,821 school support kits and 10,000 bicycles to students. In addition, 1,098 scholarships for academic excellence have been granted to students and teachers at primary and secondary levels. As an incentive for secondary school students, since 2012, an economic voucher has been issued to all new graduates to help meet their expenses. In addition, academic excellence scholarships have been granted to 2,198 students and teachers at primary and secondary levels.

52. In the framework of the food security strategy, 836,728,562 food rations were distributed through the School Snack programme to an average of 969,706 preschool and primary school pupils. Food and nutritional security education has been incorporated into the school curriculum and school canteens have been regulated in respect of the food they provide, helping to form good hygiene and eating habits. School gardens continued to be used as a means of teaching and providing food for pupils, which was recognized as good practice at international level by the Special Rapporteur on the right to food, Olivier de Schutter, in 2009.

53. In order to continue efforts towards the progressive development of the education system, work is being carried out on the 2014 guidelines, which include the consideration of computer training programmes and the provision of computers for teachers, computer laboratories, English languages programmes for students, reform of textbooks, study programmes, the establishment of technical training programmes for students from rural areas and the incorporation of the principles of the Universal Declaration on the Rights of Mother Earth in the school curriculum.

Rights of children and adolescents° (paragraph II 90, recommendations 14, 55, 56, 58, 60 and 61)

54. Significant progress with respect to the rights of children and adolescents has been made through State and community monitoring of care for children and adolescents by means of the implementation of the central information system for children and adolescents, which can be accessed at: http//devinfo.mifamilia.gob.ni.

55. To assist in restoring rights and ensuring that children are protected, there are to date 33,322 volunteer workers who support the implementation of *Programa Amor* (Love Programme) which aims to restore the rights of children to live in normal conditions in the family and without exposure to risk on the street, to be brought up with the love and care of a family, to set up and equip child development centres providing professional care for children with working mothers; to be registered in the civil registry, to establish the right of children and adolescents with disabilities to specialized care, to guarantee the rights of children of Nicaraguan citizens who have had to migrate or who are deprived of their liberty, and the right of children to grow and develop without having to work.

56. Within this framework, the right to a name and identity was guaranteed to 124,094 unregistered children under 12 years of age; the right to be brought up in a family was restored to 495 children and adolescents through adoption between 2010 and 2013, and 194,852 children and adolescents at risk were afforded special protection. Furthermore, 151,041 persons received support through the 133 emergency hotline, set up by the Ministry of Family, Adolescence and Childhood.

57. Comprehensive care was provided to 311 orphaned children and adolescents with HIV/AIDS, including medical treatment, psychological support and follow-up at home. For this programme, 4,760 workers and parents were trained to promote the guide for the comprehensive care and protection of children and adolescents affected by HIV/AIDS.

58. To guarantee the right to grow and develop properly, 568,208 families with children under 6 years old were assisted between 2011 and 2013 through the *Programa Amor* for very young children, promoting early educational stimulation at community level and through home visits. Assistance was provided to 187,721 children under 6 years of age in urban and community child development centres and in community "home bases". Around 18,103 children and adolescents who were working or living in the street were integrated into the school system each year between 2010 and 2013. Currently, a total of 92,832 children and adolescents participate in recreation and cultural activities, sport and crafts. Training had been provided to 56,964 parents and tutors in ways of instilling the principles of human development, while 9,463 parents and adolescents completed pre-employment courses.

Rights of older persons

59. In 2010, Act No. 720 on older persons was adopted, setting out the legal system of protection and guarantees for older persons, with a view to giving effect to article 77 of the Constitution of Nicaragua, which stipulates that older persons have the right to protection by the family, society and the State. The Act establishes a reduced cost for basic services such as drinking water, energy and fixed-lined telephones.

60. The rights of 16,985 older persons have been restored through the provision of medical care, education and recreation activities, for which 3 institutional clubs and 18 community clubs were provided.

61. In order to continue protecting older persons, in July 2013 the general implementing regulations on the Act on social security were reformed through Presidential Decree No. 28-2013, fixing a reduced pension for persons over 60 years of age who did not complete the qualifying period for old-age pension. To date, 18,500 older persons have benefited from the reduced pension.

Women's rights (paragraph II 90, recommendations 5, 6, 7, 13, 19, 22, 23, 24, 25, 47 and 64; paragraph II 92, recommendations 5, 9, 13 and 14)

62. Since the Revolutionary Government came to power in 2007, it has pursued a State policy to promote the restoration of women's rights and their participation in development by playing a key role in the political, economic and social actions and decisions of the country, which is diametrically opposed to the situation which prevailed in 2006 when, under the neoliberal administration, women found themselves totally excluded.

63. To strengthen this government policy, the Nicaraguan Institute for Women was raised to ministerial status, as was the Nicaraguan Youth Institute, in which young women represent around 50 per cent on average. A Special Procurator for Women and a Special Procurator for Sexual Diversity (Office of the Human Rights Procurator) are also in operation and play an important role regarding promotion and monitoring.

64. Through the implementation of Act No. 648 on equal rights and opportunities (2008), the progress reported at the first UPR cycle has continued, receiving significant recognition worldwide, in particular by the United Nations Entity for Gender Equality and the Empowerment of Women in 2013, which placed Nicaragua among the countries with the highest percentage of women in ministerial and legislative positions, ranking ninth and fifth respectively on an international scale of countries with the greatest number of political positions for women. The 2013 World Economic Forum's global gender gap report shows that Nicaragua occupies the leading position in Latin America, ranking tenth in the world among countries with the greatest gender equality.

65. In America, women parliamentarians average 22.6 per cent, while in Nicaragua that percentage is 40.2 per cent. Between 2005 and 2013, the number of women elected as mayors in local governments rose from 9.8 to 50 per cent and deputy mayors from 14.4 to 50 per cent, as a result of the reform of the Municipalities Act and of Act No. 790 reforming the Elections Act No. 331, which sets forth a gender perspective and stipulates that the candidate lists of political parties and electoral alliances must include 50 per cent of men and 50 per cent of women, evenly distributed and alternately ranked for positions of mayor, deputy mayor, councillors and deputies.

66. To date, the percentages of women holding managerial positions are: 50 per cent ministers, 31 per cent deputy ministers, 25 per cent Supreme Court judges, 39 per cent

appeal court judges, 61 per cent district and local court judges, 65 per cent public defenders, 33 per cent in the Ministry of the Interior including the National Police, the Department of Migration and Alien Affairs and the National Prison Service. Nicaragua was recognized by the United Nations (United Nations Entity for Gender Equality and the Empowerment of Women) and the World Economic Forum in respect of gender equality and women's empowerment, for holding tenth place in terms of equality and women's participation.[10]

67. Combating violence against women constitutes a State policy, which includes an action plan with three objectives: prevention, protection and care for victims. Within this framework, the Comprehensive Act against Violence towards Women (Act No. 779) and the reform of the Criminal Code (Act No. 641) were adopted and entered into force in 2012, classifying for the first time femicide and other forms of violence against women as an offence. This same Act created the national inter-institutional commission to combat violence against women, children and adolescents, composed of 17 state institutions, with departmental and municipal branches. At executive level, the Inter-institutional Commission on Gender was established and the planning system for the national general budget was put into operation with a gender perspective.

68. As part of access to justice and legal protection, the comprehensive care model has been established and 61 police units for women and children are in operation. In 2013, 99 further units were built to achieve 100 per cent coverage of the country's police network. The special criminal division in the Managua court of appeal was established, setting up specialized courts for which the appropriate judges and magistrates were appointed.

69. The State policy ensuring women's participation in the economy has been launched. Through the government programmes on agricultural activity, women's rights have been restored to take out loans, to own assets, to make decisions on economic activities and to participate in society through associative and cooperative groups, among others. This led to the adoption of Act No. 717 establishing the fund providing for rural women to purchase land based on gender equality.

70. With a view to affording special protection, Act No. 718 on special protection for families with multiple pregnancies and births was adopted in May 2010, directly benefiting families with multiple pregnancies by supporting their basic social protection needs, such as health, social security, work, education and housing.

Right to drinking water and sanitation (paragraph II 90, recommendations 54 and 65)

71. Since access to water is a human right, it plays a key role in governmental strategies, which encompass measures ranging from the protection of catchment areas and their water flow to the restoration of the right to drinking water and sanitation.

72. In order to restore the rights of the Nicaraguan people, who had been denied the right to water between 2007 and 2010, the present Government expanded coverage of drinking water from 72 to 84 per cent, the sewage system service from 33 per cent to 39 per cent, the sewage networks by over 400 km, wastewater treatment by 200 per cent, and it is now building new sewage treatment plants. Furthermore, over 80 water systems and 50 community boreholes have been built.

Access to electricity, production infrastructure and communications

73. In April 2012, the Inter-American Development Bank, in association with Bloomberg, published the first climatescope index, in which Nicaragua ranked second after Brazil among 26 countries of Latin America and the Caribbean in terms of the investment climate for clean energy.

74. In 2013, the country ranked first for "favourable environment" and "investment and funding for clean energy, leading criteria", as well as third, among 26 countries of Latin America and the Caribbean, as being an attractive market for renewable energy.[11]

75. The Government has made enormous efforts to guarantee access to electricity for all Nicaraguans, increasing national electricity coverage from 54 per cent in 2006 to 74 per cent in 2013, and has maintained the electricity subsidy for households with a monthly consumption of less than 100 kW, to benefit the poorest families.

76. Efforts have been made to strengthen production infrastructure: in 2012, roadworks were undertaken on 1,945.21 km of roads, thereby improving the quality of life of the people and competitiveness of production. Maintenance and repair works were also carried out on 1,062.63 miles of bridges, and 12,993.58 miles of minor drainage works were completed. National communications coverage for mobile and fixed telephones is currently 93 per cent compared with 42 per cent in 2007.

Right to decent housing (paragraph II 90, recommendations 56 and 65)

77. The Government's housing policy is permanently implemented through the model of shared responsibility among all actors – the Government, town halls, non-governmental organizations, the private sector, the finance sector, developers, workers and the international cooperation, supporting housing projects for economically disadvantaged Nicaraguans.

78. In 2012, 4,847 housing solutions were guaranteed, 11.6 per cent more than in 2007, benefiting 4,847 families with 24,235 members, including women and children. Of the total housing built in 2012, 3,833 housing units (79.08 per cent) were built for families with an income of less than C$ 10,000.00, while 446 (9.2 per cent) were built in cooperation with the private sector and 568 (11.72 per cent) were improved. The *Plan Techo Solidario* (Solidarity Roof Plan) programme is being pursued, supporting more families by providing materials to help them improve their living conditions and access to decent housing.[12]

79. In order to address natural disasters, the Government, through the *Plan Techo Emergencia* (Emergency Roof Plan) programme, has restored the right to decent housing by providing roofing materials for 1,886 families or 9,462 people.

Right to own property and restitution of indigenous peoples' rights (paragraph II 90, recommendation 65)

80. As part of the commitment to settle disputes over inherited property,[13] between 2010 and September 2013, the Government regularized and granted title deeds to a further 163,875 rural and urban properties, women accounting for 55.37 per cent of owners and men 44.63 per cent. Since 2007, in only six years and nine months, the Government has granted 351.48 per cent more deeds than all those granted by the three neoliberal

governments in 17 years,[14] contributing to legal certainty, peace of mind for the families, and the reduction of poverty by improving the beneficiaries' finances through their eligibility for loans, and by settling property disputes, thereby reducing insecurity in the country.

81. Restoration of the right of indigenous peoples to ancestral land has been achieved by granting title deeds to a total of 21 territories extending over an area of 36,128.78 km² (30 per cent of the national territory and 52 per cent of the Caribbean Coast), benefiting 284 communities and 31,827 families totalling 190,963 individuals.

Right to a healthy environment and protection from the effects of climate change

82. Nicaragua is working to guarantee a suitable environment for humankind and to adapt to and protect against the effects of climate change, by participating in climate change conferences and discussions on the Kyoto Protocol to the United Nations Framework Convention on Climate Change, promoting the principle of common but differentiated responsibilities. Nicaragua is the third country in Latin America with the lowest emissions of greenhouse gas at 0.8 tons of carbon dioxide per inhabitant.[15]

83. Nicaragua was one of the first countries to adopt the Universal Declaration on the Common Good of the Earth and Humanity and the Universal Declaration on Animal Welfare (2011), which form part of governmental policies. In 2011, Ometepe Island was registered as part of the World Network of Biosphere Reserves (UNESCO).[16]

84. As a State party to international instruments on the environment and biodiversity and in line with national technical norms, the Government works with policies and programmes that encourage environmental preservation and sustainable living, establishing the national strategy on environment and climate change, which promotes the rational use, preservation and reproduction of resources. Together with the population, it is conducting the *vivir limpio, vivir sano, vivir bonito, vivir bien* campaign, in the area of health and the environment.

85. In 2012, 9.85 million plants were produced and between 2010 and 2012; the national reforestation crusade was launched with the participation of 400,000 people, reforesting 45,267.47 ha in addition to the 77,091.37 ha that had been reforested between 2007 and 2009. Furthermore, 33,580 ha of forest area used for logging were incorporated into management plans, i.e., an increase of 292 per cent. The number of forest fires has decreased by 76 per cent, with 41 per cent fewer ha affected, for the period 2007–2009.

86. The National System for Disaster Prevention, Mitigation and Relief, which is permanently engaged in prevention and mitigation strategies to guarantee human rights against the effects of climate change and social and natural events, has now been strengthened. From 2010 to 2013, care and assistance was provided to 68,857 families, or 371,345 persons[17] affected by natural disasters. In response to the effects of disasters and situations of food and nutritional vulnerability, the food and nutritional security programme benefited an average of 207,377 families each year between 2010 and 2012, more than the 202,929 families covered in the 2007–2009 period.

Right to public safety and justice (paragraph II 90, recommendations 4, 11, 16, 17, 31, 36, 39, 40, 41 and 42; paragraph II 92, recommendations 14, 40 and 41)

87. According to the United Nations Development Programme (UNDP), Nicaragua has the second lowest homicide rate per 100,000 inhabitants in Central America. In its recent Human Development Report for Latin America and the Caribbean 2013–2014 on public safety, UNDP notes that Nicaragua has a homicide rate of 9.6 per cent per 100,000 inhabitants, occupying fourth place among the countries with the least homicides in Latin America, after Chile, Uruguay and Peru. The World Economic Forum[18] for its part reports that Nicaragua has the lowest rate of crime and theft in Central America at 5.4 per cent.

88. The CID Gallup showed that 51 per cent of the Nicaraguan population reported feeling safe when walking alone at night in the city or in their local area, contrary to the situation in other countries with a high level of human development. According to the Ibero-American Governance Barometre, Nicaragua is the country with the highest levels of perceived safety, at 61 per cent of public opinion, and the country in Central and Latin America with the lowest rate of juvenile delinquency and violence at 4 per cent, followed by the Dominican Republic and the Plurinational State of Bolivia with 12 per cent.

89. The independence of the State powers is written into the Constitution, as the need for their subordination to the Constitution and their coordination among themselves. Therefore the present level of public safety, internal order and speedy justice are the result of this harmonious coordination guided by the National Human Development Plan, making the unrestricted respect of the Nicaraguan people's human rights a tangible reality.

90. The judicial system ensures that legal processes and proceedings are in line with international norms, thereby ensuring the rights and guarantees of the Nicaraguan people. Full coverage in terms of judges and defence lawyers has been achieved in all parts of the country, thus progressing towards guaranteed access to justice. Training was given to 23 session judges and alternates; 5 specialized courts were redesigned and a further 7 were opened, each with an interdisciplinary team. The number of judicial facilitators[19] in the country rose to 2,851, an increase of 1,905 more compared with 2009.

91. Judicial offices, courthouses and judicial complexes have been modernized, rebuilt and refurbished in accordance with the new judicial office model,[20] resulting in improved access to justice, separation and specialization in the areas of processing of cases and joint services, increased assistance and easier access for the public, and effective adherence to the principle of publicizing information contained in the files. The public records of real estate and commercial property have also been modernized.

92. The Judicial Service Act[21] has been put into effect, establishing the procedures for competitions on merit and competitive entrance exams, in order to strengthen the administration of justice, the disciplinary system for judicial officials and the administrative and financial management of the judiciary.

93. The Public Prosecution Service works on the basis of strategies that ensure respect for the human rights of victims and society in general, inter-institutional coordination, effectiveness and efficiency of fiscal management, development of human capital, legal certainty, and access to justice and administrative management, in accordance with the protocol on the role of the Public Prosecutor in providing assistance to victims of crime and the protocol on the role of fiscal management in the investigative and judicial phases of gender violence proceedings. Between 2010 and 2013, a total of 200,776 cases were heard for various types of offences, a rise of 5 per cent compared with the period 2006–2009. Likewise, the participation of the Public Prosecution Service in oral and public proceedings

increased by 21 per cent. Conciliation agreements based on various plea bargains were concluded, to the benefit of 23,690 persons.

94. The National Police is a community-based, professional, humanistic and qualified force, which contributes to social harmony and public safety effectively and efficiently. Its service is based on respect for human rights and a preventive, proactive and communitarian model, which is recognized at international level as the new paradigm for public safety. Instruments measuring citizen perception over the past three years show confidence in the police to lie in the range between 80 and 85 per cent.

95. Public safety is maintained through the implementation of the model of comprehensive care for women,[22] the model of juvenile care[23] and the education model,[24] among others. The police institution interacts with the social fabric of the community and with the cabinets for the family, community and life, thus contributing to the creation of an awareness of a shared and complementary responsibility between society, the community, the family and the individual. The institution has 13,026 professionals (34 per cent women and 66 per cent men) and works with over 100,000 community volunteers.

96. Although the Government increased its 2009–2012 budget by up to 58 per cent, the police service remains a highly effective institution but one of those least well off in terms of economic and human resources in the region.

97. Between 2009 and 2012, complaints decreased by 17.2 per cent, as did the levels of dangerous crimes reported. Of the total number of complaints, 78 per cent were for infractions and minor offences, 22 per cent for severely punishable offences and, notably, only 6.1 per cent of the total number of complaints for highly dangerous crimes.

98. The National Prison Service is a humanitarian system, the objective of which is to bring about a change in detainees in order to reintegrate them into society.[25] Up until October 2013, the prison population was 9,601 persons deprived of liberty, 87 per cent of whom were convicted prisoners and 13 per cent remand prisoners, which is 8 per cent fewer than in 2010, reflecting speedier justice. Of the total number of prisoners, 94.44 per cent are men, 5.2 per cent women and 0.36 per cent adolescents.

99. In respect of training, 27.43 per cent of persons deprived of liberty (2,634) take part in various education programmes.[26] Between 2010 and October 2013, a total of 3,407 detainees received technical training[27] and 161 adolescents and young persons deprived of their liberty were trained as human rights advocates.

100. Acts of violence by detainees fell by 21 per cent compared with the years up to 2007. The rate of recidivism is 11 per cent, which is the lowest in Central America and is concrete evidence that our prisons are the least violent in Latin America.

101. The Government has made intensive efforts to improve conditions and expand prison infrastructure, carrying out works costing up to C$ 389.1 million, in order to reduce overcrowding and improve detainees' living conditions. Three prison wings with capacity for 300 detainees and 10 additional rooms for conjugal visits have been built in Tipitapa prison, and water sanitation projects have been carried out in Granada and Juigalpa prisons. The Bluefields special adolescent facility, the comprehensive women's prison and the open and semi-open productive prison farm are under construction and will be operating in 2014. Construction of the Atlántico Sur autonomous region prison has been planned and will begin in 2014. Also land has been bought to drill a well in order to improve the water quality and supply system in Matagalpa prison.

102. The National Inter-Institutional Justice Commission examines alternatives to deprivation of liberty; 35 pardons have been granted through the National Assembly, 25 extraordinary family reunions arranged for seriously ill prisoners, 654 prisoners released

early with suspended executions of their sentences, and 117 adolescents released subject to substitute socio-educational measures.

103. In 2012 and 2013, the Standing Committee on Human Rights conducted visits to the country's prisons and similarly the Office of the Human Rights Advocate conducts systematic inspections of those prisons.

Fight against trafficking in persons and rights of irregular migrants (paragraph II 90, recommendations 26 and 27)

104. Between 2010 and 2013, to address the issue of trafficking in persons, the legal framework was strengthened with the adoption of Acts Nos. 735 and 779. The National Coalition against Trafficking in Persons is a coordinating body, which coordinates over 70 institutions and organizations from various sectors (government, civil society, private sector and international organizations). It has a strategic plan that is monitored by member organizations; it has also set up a coalition at regional level with the aim of standardizing actions and plans to combat this organized crime offence, which affects the most fundamental human rights.

105. Nicaragua received the "Global heroes in the fight against trafficking in persons" award from the Department of State of the United States of America in June 2013 in recognition of its engagement. For the second year running the United States of America ranked Nicaragua at level one – a level achieved by only two Latin American countries. During this period, 74 cases were dealt with; charges were brought in 55 cases, and 41 sentences were passed, 35 of which were for imprisonment.

106. The legal framework concerning migrants was updated through Act No. 761 on migration and alien affairs, which overcomes the tendency to criminalize irregular migrants, establishes benefits for refugees, grants humanitarian visas, facilitates the return of child and adolescent victims of trafficking, improves repatriation mechanisms and guarantees shelter to migrants, among others.

Promoting and defending human rights (paragraph II 90, recommendations 3, 8, 9, 10, 11, 12, 17, 31, 38, 40 and 66)

107. The Office of the Human Rights Advocate, which performs its role in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), has continued working to monitor, promote and defend human rights. In 2011, its A status was confirmed, which it had obtained in 2006 once the United Nations had verified its principles of independence.

108. In the context of its monitoring role, the Office of the Human Rights Advocate continues to carry out verification procedures, focusing on education, health, violence against women, disability, HIV/AIDS and sexual diversity, drawing up recommendations for the competent bodies to improve the fulfilment of the human rights of persons in each of those areas.

109. As part of promoting human rights, the Office of the Human Rights Advocate increased its training activities for public officials from 27 per cent in 2009 to 65 per cent in 2013, particularly officials of the National Police, the Nicaraguan Army, the National Prison Service and the judiciary. Furthermore, the State has developed significant training activities for teachers on criminal justice issues, with a focus on human rights (for prosecutors, public defenders, barristers, judges and magistrates).

110. Training was provided on international human rights instruments with an emphasis on indigenous and Afro-descendant peoples and trafficking in persons, focusing on the drafting of judgements for criminal justice system officials. Training was provided on specialized justice for women to 2,000 justice system officials and 200 judges.

111. The National Police develop continuous training along the lines of the *Escuela Total* (Total School) model, which facilitates training in all subsystems of education (basic and advanced training, and continuous learning) on subjects relating to doctrine, ethics, human rights, the role of the police and all aspects of police work.

112. In the Prison Service, 990 officials completed 27 courses in human rights in the period 2012–2013. The prison training system has broadened the study programmes, examining in greater depth the areas of adolescents, women, human rights and the Standard Minimum Rules for the Treatment of Prisoners. The subjects of the Code on Children and Young Persons, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules) and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) were included in the courses.

Right to freedom of expression and freedom of association (paragraph II 90, recommendations 3, 10, 29, 30, 32 and 33; paragraph II 92, recommendations 10, 11, 25, 26, 27, 28, 29, 30 and 34)

113. The Constitution sets forth as fundamental rights the freedom of expression and freedom of association of the Nicaraguan people. The Government has guaranteed strict fulfilment of these rights, as reflected by the 6,014 duly constituted and registered NGOs. Trade unions have increased by 12 per cent, from 3,587 to 3,978. Regarding collective organization, there are 196 per cent more cooperatives and 189 per cent more members than in 2009, while other types of community, trade and sectoral organizations have also increased.

114. During the reporting period, freedom of expression of the mass media has been guaranteed, including press, radio and electronic media, without any censorship whatsoever. No complaints have been filed for cases of harassment, persecution or assault on journalists, human rights defenders or any persons for their political, ideological or religious beliefs.

Right to vote and be elected (paragraph II 90, recommendations 33 and 35; paragraph II 92, recommendations 34 and 35)

115. Electoral rights are guaranteed under the provisions in the Constitution and in electoral law, which was reformed in 2012 in order to encourage greater participation and equality between men and women.

116. In the 2011 general elections, the free, direct and secret participation of the Nicaraguan people was guaranteed in the exercise of their right to vote, and for the 18 parties and 3 electoral alliances the exercise of their right to be elected. Commander Daniel Ortega Saavedra was elected President of the Republic, obtaining 62.46 per cent of the votes cast.

117. The Government has worked with the clear objective of achieving substantially improving the registration process for identity cards, increasing the number of citizens

issued with identity cards or replacement papers for the 2011 presidential elections by 21 per cent compared with 2006.

118. In the 2012 municipal elections, the number of citizens issued with identity cards or replacement papers increased by 26 per cent compared with 2008.[28]

119. The number of polling stations during the 2011 presidential elections was up by 15 per cent compared with the 2006 elections. In the 2012 municipal elections, the number of polling stations was up by 8 per cent in 2008. Monitoring of the electoral process was ensured by 100,110 scrutineers and 4,260 electoral procurators.

International commitments and dialogue (paragraph II 90, recommendations 1, 2, 18 and 68; paragraph II 92, recommendations 1 and 4)

120. Between 2010 and 2013, Nicaragua continued its drive for peace and security, respect for human rights and solidarity in order to achieve sustainable development in harmony with the international community, for which it has adopted new international instruments, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It has accordingly designated the Office of the Human Rights Advocate[29] as the national preventive mechanism against torture.

121. The most significant international instruments include: the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness,[30] the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169)[31] and Domestic Workers Convention, 2011 (No. 189),[32] the Optional Protocol to the Convention on the Rights of Persons with Disabilities, the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents (Apostille Convention) and the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador).[33]

122. In compliance with its international commitments, Nicaragua works actively on the Human Rights Council, the Inter-American Human Rights System, the Movement of Non-Aligned Countries, the Community of Latin American and Caribbean States, the Bolivarian Alliance for the Peoples of Our America, the Central American Integration System, the Ibero-American Conference, the Summit of the Americas, and on all bodies of the United Nations and the Organization of American States.

Conclusion (paragraph II 90, recommendations 37, 43, 44, 49, 50 and 57)

123. The Government has worked hand in hand with its people and the organized community to achieve the significant progress presented in this report. It renewed its commitment in the last presidential elections to continue leading Nicaragua towards good living (*buen vivir*), through the paths of love, equality, solidarity, proaction, sustainable development and respect for human rights.

124. We are confronted with many structural, legal, social, cultural and economic challenges, which are addressed in the new programme of work that we are striving to implement. The State of Nicaragua has begun a partial reform process of the Constitution, the goals of which are to increase peace and security of the people by institutionalizing the active involvement of the individual, the family and the organized community, throughout the country and in the social and productive sector, to implement a model of consensus-

seeking and shared responsibility for good living, to ensure equal participation of men and women in elected office (on a 50-50 basis), to strengthen the legal system with new bodies, to incorporate the Universal Declaration on the Common Good of the Earth and Humanity and the remedy of habeas data, to subject territorial borders to the judgement of the International Court of Justice and to strengthen other fundamental rights of the Nicaraguan people.

Notes

[1] Fuente: Encuesta Regional CID GALLUP, Noviembre 2013.
[2] Fuentes: INIDE y FIDEG.
[3] Fuente: Banco Central de Nicaragua.
[4] Fuente: Nota de prensa del FMI, mayo 15, 2012.
[5] Fuente: Banco Central de Nicaragua, octubre 2013.
[6] Fuente: Ministerio de Energía y Minas Noviembre 2013.
[7] Fuente: Censo Nacional Agropecuario 2011, Pequeños productores son de menor o igual a 20 Mz, medianos entre 20.01 y 50 Mz y Grandes de 50.01 a más Mz.
[8] Fuente: Encuentra Continúa de Hogares (ECH) 2012 INIDE.
[9] Fuente Ministerio de la Familia, Adolescencia y Niñez.
[10] Fuente: Primer Encuentro Internacional de Ministras y Lideresas de Defensa celebrado en Guayaquil, República de Ecuador, octubre 2013.
[11] Fuente: CLIMASCOPIO 2013.
[12] Fuente: SINAPRED, se han entregado 4,103,460 laminas de zinc beneficiando a 410,346 familias nicaraguenses. Asi mismo se han entregado materiales para techo a 390,584 familias con 2, 220,504 personas de escasos recursos en el periodo 2010–2013.
[13] Desorden en la titulación, inseguridad jurídica, tráfico de tierra y conflictos en materia de propiedad.
[14] Títulos entregados por Gobiernos

GOBIERNO	*Periodo de Gobierno*	*Títulos entregados*
Violeta Barrios de Chamorro	(1990–1996) 6 años	16,925
Arnoldo Alemán Lacayo	(1997–2001) 5 años	32,000
Enrique Bolaños	(2002–2006) 5 años	9,729
Daniel Ortega Saavedra	(2007–Sept. 2013) 6 años y 9 meses	206,160

[15] Banco Mundial, Ranking de los países con mayores emisiones de CO_2 (2009), Haití es el primer país con menos emisiones (0.2 Ton/Hab.) y Paraguay en segundo lugar (0.7 Ton/Hab) y Nicaragua el tercero.
[16] La UNESCO las define como zonas de ecosistemas reconocidos en el plano internacional en el marco del Programa sobre el Hombre y la Biosfera (MAB), los que son de importancia medioambiental.
[17] Instalados 2 sistemas de alerta temprana ante inundaciones, 1 sistema de alerta temprana en el volcán Telica con 8 estaciones sísmicas, 1 sistema de alerta ante tsunami con 43 sirenas ubicadas en la franja del pacifico. Entregados 4,409.20TM de alimentos para atender a las familias afectadas en la etapa de respuesta y de rehabilitación hasta lograr la recuperación de su independencia alimentaria en el periodo 2010–2012. En el año 2012 se benefició a 45,000 familias equivalentes a 225,000 personas con la entrega de 45,000 kits de higiene. En el periodo 2012/ 2013, se entregaron 463 viviendas beneficiando a igual cantidad de familias en riesgos por sismos e inundaciones. En el periodo 2011/2012, se reubicaron 954 familias con 5,270 personas disminuyendo el riesgo en los escombros y costas del Lago de Managua. Fortalecidas las capacidades en la Gestión Integral del Riesgo (GIR) y adaptación ante Cambio Climático, en Gobiernos locales de los 153 municipios, docentes y estudiantes de la educación primaria y secundaria. Elaborada Política Nacional para la Gestión Integral del Riesgo e implementado el Sistema de Información para la Gestión de Riesgo (SIGER). Elaborados Planes de Respuestas Institucionales y sus Guías para enfrentar derrame de hidrocarburos en el mar. Conformados y capacitados 2,693 Comités de Barrios para la Prevención, Mitigación y Atención de Desastres (COBAPRED), integrados por 11,989 líderes de barrios.
[18] Fuente: Informe Global de Competitividad 2011–2012.

[19] Cuerpo al servicio de la administración de justicia, que implementa métodos de resolución pacífica de conflictos (mediación extrajudicial), contribuyen a desarrollar una cultura cívica jurídica y promueven la comunicación entre el Poder Judicial, la Policía Nacional y Sociedad Civil.

[20] Este nuevo Modelo de Gestión Judicial, en la capital está respaldado por un Sistema Informático que agiliza la tramitación de los procesos judiciales.

[21] Ley No. 501; Aprobada el 14 Octubre 2004 y publicada en La Gaceta, Números 9, 10 y 11 del 13, 14 y 17 de Enero de 2005.

[22] Para brindar una atención integral a las víctimas de violencia de género e intrafamiliar y facilitar el acceso de las mujeres a la justicia, el cual se impulsa a través de la red de Comisarías de la Mujer y la Niñez en el territorio nacional.

[23] Orientado a prevenir la violencia juvenil; cuenta con una metodología especial que incluye acciones y estrategias en las distintas etapas en la que se ven expuestos los niños, adolescentes y jóvenes.

[24] Proceso de formación continua "Escuela Total" que facilita la capacitación en todos los sub sistemas educativos: (Formación, capacitación y preparación continua) en temáticas relativas a Doctrina, Ética, Derechos Humanos, Actuación policial y todos los temas concernientes al quehacer policial.

[25] Fuente: Constitución Política Artículo 39.

[26] Alfabetización: 178 (6.80%); Primaria: 1071(40.70%); Secundaria: 1,332 (50.60%) y Educación Superior: 53 (2%).

[27] Masculinos: 2,390 (70.14%); mujeres: 850 (24.94%) y adolescentes: 167 (4.90%).

[28]

Elección	*Padrón*	*Cédulas*	*Supletorio*
Municipales 2000	2,774,247	2,353,480	420,767
Presidenciales 2001	2,997,228	2,886,663	110,565
Regionales 2002	199,152	193,024	6,128
Municipales 2004	3,304,010	3,121,803	182,207
Regionales 2006	2,265,14	215,212	11,302
Presidenciales 2006	3,665,141	3,370,403	38,280
Municipales 2008	3,863,838	3,697,847	165,991
Presidenciales 2011	4,328,094	4,225,337	102,757
Municipales 2012	4,481,621	4,393,070	88,551

[29] Decreto Presidencial N°4-2012, Gaceta Diario Oficial N°10 del 18 Enero 2012.

[30] Aprobado el 14 Mayo 2013 mediante dos decretos que ratifican la adhesión.

[31] Ratificado el 6 de Mayo 2010 y depositado el 25 Agosto 2010.

[32] Ratificado en Diciembre del 2012 y Depositado el 10 de Enero 2013.

[33] Ratificación depositada el 5 de Marzo 2010, en la CIDH-OEA.

United Nations A/HRC/WG.6/19/NIC/2

General Assembly

Distr.: General
5 February 2014
English
Original: English/Spanish

Human Rights Council
Working Group on the Universal Periodic Review
Nineteenth session
28 April–9 May 2014

Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

Nicaragua

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, and of the Office of the United Nations High Commissioner for Human Rights (OHCHR), and in other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

GE.14-10780 (E) 270214 030314
1410780

Please recycle

I. Background and framework

A. Scope of international obligations[1]

International human rights treaties[2]

	Status during previous cycle	*Action after review*	*Not ratified/not accepted*
Ratification, accession or succession	ICERD (1978)		CPED
	ICESCR (1980)		
	ICCPR (1980)		
	ICCPR-OP 2 (2009)		
	CEDAW (1981)		
	CAT (2005)		
	OP-CAT (2009)		
	CRC (1990)		
	OP-CRC-AC (2005)		
	OP-CRC-SC (2004)		
	ICRMW (2005)		
	CRPD (2007)		
Reservations, declarations and/or understandings	ICRMW (general declaration/reservation, art. 42, para. 3, 2005)		
Complaint procedures, inquiry and urgent action[3]	ICCPR-OP 1 (1980)	OP-CRPD, art. 6 (2010)	ICERD, art. 14
	CAT, art. 20 (2005)		OP-ICESCR
			ICCPR, art. 41
			OP-CEDAW
			CAT, arts. 21 and 22
			OP-CRC-IC
			ICRMW, arts. 76 and 77
			CPED

Other main relevant international instruments[4]

	Status during previous cycle	*Action after review*	*Not ratified*
Ratification, accession or succession	Convention on the Prevention and Punishment of the Crime of Genocide Palermo Protocol[5] Convention on refugees[6] Geneva Conventions of 12 August 1949 and Additional Protocols thereto[7] ILO fundamental conventions[8] UNESCO Convention against Discrimination in Education	Conventions on stateless persons[9] ILO Conventions No. 169 and No. 189[10]	Rome Statute of the International Criminal Court

1. In 2010, the Committee on the Rights of the Child (CRC) recommended that Nicaragua ratify CPED, OP-CEDAW and OP-ICESCR;[11] the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption;[12] and the Rome Statute of the International Criminal Court.[13]

2. The Office of the United Nations High Commissioner for Refugees (UNHCR) welcomed the parliament's approval, on May 2013, of the State's accession to the two statelessness conventions.[14] UNHCR encouraged the Government to adopt a statelessness determination procedure to ensure the protection of stateless persons who are not refugees, and to implement legislation that codifies the protections guaranteed in the 1954 Convention relating to the Status of Stateless Persons.[15]

B. Constitutional and legislative framework

3. The United Nations in Nicaragua highlighted the recent ratification of the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the ILO Domestic Workers Convention, 2011 (No. 189).[16] The national legal framework needed further strengthening, however, to provide greater guarantees for the exercise of certain fundamental rights, such as those relating, inter alia, to immovable property, the rights of indigenous communities and the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons. Similarly, efforts should continue to bring legislation up-to-date by incorporating the obligations under the Convention on the Elimination of All Forms of Discrimination against Women and under ILO Convention No. 169. Several of the normative advances made in recent years had yet to be properly implemented, such as the establishment of the National Council for Equality as provided for in the Equal Rights and Opportunities Act or the establishment of the national mechanism required under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Nicaragua had ratified.[17]

4. The United Nations in Nicaragua added that efforts had been made to improve the national legal framework, particularly with regard to women, children and adolesents, youth, indigenous peoples and persons of African descent, migrants, persons with disabilities and persons living with HIV/AIDS. A whole series of laws had been adopted or had begun to be implemented, including laws on food and nutrition sovereignty and security, promotion of the construction of social housing, the rights of persons with

disabilities, the promotion of agroecological farming techniques, violence against women, traditional medicine and the rights of persons living with HIV/AIDS.[18]

5. CRC expressed regret that Nicaragua had not fully implemented its obligations under OP-CRC-SC,[19] and that the Penal Code only partly incorporated the offences covered by that Optional Protocol.[20] CRC recommended that Nicaragua harmonize its penal law with articles 2 and 3 of OP-CRC-SC,[21] harmonize its Penal Procedure Code with the Penal Code and ensure that its legislation contains specific provisions on the sale of children.[22]

6. CRC recommended that the Children and Adolescents Code be complemented by the new, yet-to-be-adopted Family Code.[23]

C. Institutional and human rights infrastructure and policy measures

Status of national human rights institutions[24]

National human rights institution	*Status during previous cycle*	*Status during present cycle*[25]
Office of the Human Rights Advocate	A (2006)	A (2011)

7. The United Nations in Nicaragua said that the Office of the Human Rights Advocate was the first national human rights institution in Latin America to include a Special Advocate for the Rights of Sexual Diversity. The United Nations in Nicaragua recommended that the State continue to strengthen mechanisms to ensure the impartiality and the human rights work of the Office of the Human Rights Advocate.[26]

8. CRC was concerned at the inadequacy of resources available for the Office of the Ombudsperson for Human Rights and for the Special Ombudsperson for the Protection of Children and Adolescents. It recommended that the Government guarantee the independence of the Ombudsperson for Human Rights.[27]

9. The United Nations in Nicaragua noted that there was no State institution responsible for developing policies, or monitoring and coordinating actions and programmes in the area of human rights. In view of the number of recommendations received from specialized international bodies and the scope of the challenges faced, it was time such a body with those responsibilities was established. The Government Commission on the universal periodic review could, in the future, act as a State institution with that mandate.[28]

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies[29]

10. The Subcommittee on Prevention of Torture announced that it planned to visit Nicaragua in 2014.[30]

1. Reporting status

Treaty body	*Concluding observations included in previous review*	*Latest report submitted since previous review*	*Latest concluding observations*	*Reporting status*
CERD	March 2008	–	–	Fifteenth to seventeenth reports overdue since 2011
CESCR	November 2008	–	–	Fifth report overdue since June 2013
HR Committee	October 2008	–	–	Fourth report overdue since 2012
CEDAW	January 2007	–	–	Seventh and eighth reports overdue since 2010
CAT	May 2009	–	–	Second report overdue since May 2013
CRC	June 2005	2008 (on CRC, OP-CRC-AC and OP-CRC-SC)	October 2010 (on CRC, OP-CRC-AC and OP-CRC-SC)	Fifth and sixth reports due in 2015
CMW	–	–	–	Initial report overdue since 2007
CRPD	–	–	–	Initial report overdue since 2010

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

Treaty body	*Due in*	*Subject matter*	*Submitted in*
HR Committee	2009	Killings of women; abortion; conditions in detention; and human rights defenders[31]	2011[32] Follow-up ongoing[33]
CERD	2009	National Commission for the Elimination of Racial Discrimination; Awas Tingni community and right to land; and right to health for indigenous and African descent peoples[34]	–
CEDAW	–	–	–
CAT	2010	Definition and criminalization of torture; investigation of torture; administration of justice; violence against women; and protection of children against torture[35]	Reminder sent by CAT[36]

11. The United Nations in Nicaragua encouraged the State to continue to cooperate with human rights protection bodies by submitting its outstanding reports to the human rights treaty bodies and to the ILO monitoring bodies.[37]

B. Cooperation with special procedures[38]

	Status during previous cycle	*Current status*
Standing invitation	Yes	Yes
Visits undertaken	Arbitrary detention	
	Right to food	
Visits agreed to in principle	Racism	
Visits requested	Disappearances	Disappearances
	Minority issues	Sale of children
	Extreme poverty	Freedom of peaceful assembly and of association
	Arbitrary detention (for follow-up)	
		Indigenous peoples
Responses to letters of allegations and urgent appeals	During the period under review three communications were sent; the Government replied to all of them.	
Follow-up reports and missions	Right to food	

12. CRC urged Nicaragua to accept the visit request from the Special Rapporteur on the sale of children, child prostitution and child pornography.[39]

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

13. A Human Rights Adviser was deployed to Nicaragua between 2007 and 2010. Nicaraguan authorities have collaborated with the Office of the United Nations High Commissioner for Human Rights (OHCHR) on a number of initiatives; for example, the national human rights institution collaborated in the elaboration of a protocol and training module on racial discrimination.[40] Nicaragua is a regular donor to OHCHR.[41]

III. Implementation of international human rights obligations

A. Equality and non-discrimination

14. CRC was concerned that indigenous peoples, peoples of African descent, women, girls and children in rural and remote areas suffered de facto discrimination. It urged Nicaragua to eradicate discrimination.[42]

15. The United Nations in Nicaragua believed that, despite the progress achieved, profound gender inequalities remained.[43] Rural women, and particularly the indigenous women among them, had the lowest education levels, the highest illiteracy rates and the lowest wages, and also had the most limited access to resources and health and other services.[44]

16. The United Nations in Nicaragua noted that some progress had been made regarding the rights of the LGBTI community. For example, the Criminal Code laid down penalties

for acts of discrimination based on sexual orientation.[45] However, in the absence of specific protection laws and policies,[46] LGBTI persons could not effectively access their rights.

B. Right to life, liberty and security of the person

17. The United Nations in Nicaragua said that the definition of torture had not yet been brought into line with the Convention against Torture, and it recommended that the State consider doing so.[47] CRC recommended that Nicaragua adopt appropriate measures to combat torture and cruel, inhuman or degrading treatment; investigate allegations of torture and ill-treatment of children; and bring perpetrators to justice.[48]

18. The United Nations in Nicaragua recognized the efforts made to promote the rights of persons deprived of their liberty by improving the basic infrastructure in prisons and detention facilities run by the national police.[49] Persons deprived of their liberty nevertheless lived in overcrowded conditions. The situation was particularly serious in the two autonomous regions, which did not have adequate facilities for pretrial detention or criminal detention.[50]

19. In the framework of follow-up to its concluding observations, in 2012 the Human Rights Committee (HR Committee) reiterated its recommendation regarding persons deprived of liberty, namely, that Nicaragua improve conditions for all persons deprived of their liberty and comply with the Standard Minimum Rules for the Treatment of Prisoners, and tackle overcrowding.[51]

20. CRC remained concerned at the lack of special detention centres for children, and at reports of abuse, mistreatment and unsatisfactory conditions in detention centres. It urged Nicaragua to implement the juvenile justice standards; and establish separate detention centres for persons below the age of 18.[52]

21. The United Nations in Nicaragua noted that femicide had been classified as an offence.[53] In addition, the Comprehensive Act against Violence towards Women (Act No. 779) constituted a step forward in terms of the protection of women. However, the reform adopted by the National Assembly in September 2013 introduced measures such as mediation. Violence against women remained a serious problem.[54] The United Nations in Nicaragua encouraged the State to continue its efforts to implement special legal protection measures for women victims of all forms of violence, particularly by establishing a victim and witness protection programme.[55]

22. CRC was concerned at the high levels of child abuse and neglect, including sexual abuse, and domestic and gender-based violence in Nicaragua, and at the high number of girls raped and sexually abused by family members.[56] It recommended that Nicaragua prevent domestic and gender-based violence and child abuse,[57] including through public-awareness programmes on child abuse, with special attention to sexual abuse;[58] address the gender dimension of violence against children;[59] prosecute and punish perpetrators;[60] and formulate a national plan to address violence against children (including corporal punishment and sexual abuse), including aspects of prevention, care and reparations.[61]

23. CRC was concerned that while article 155 of the Penal Code prohibited corporal punishment it made an exception for "disciplinary correction". It recommended that article 155 be amended to explicitly state that all corporal punishment constitutes an offence.[62]

24. CRC took note of the new Strategic Plan against Trafficking in Persons (2010–2014) and recommended that Nicaragua ensure that the strategic plan has adequate resources.[63] Also, CRC was concerned at the high number of children, particularly girls, who fell victim to trafficking[64] and that child sex tourism remained a serious problem.[65] It recommended that Nicaragua enhance government action and coordination to combat sexual exploitation

and trafficking of children and women and, in particular, to renew the National Plan against Commercial Sexual Exploitation of Children and Adolescents; investigate and sanction such sexual exploitation and trafficking; and implement policies to prevent, recover and reintegrate child victims.[66]

25. CRC was concerned at the high number of children who were working, and that a high proportion of them worked in the informal sector, including activities defined as the worst forms of child labour. It recommended that Nicaragua apply the new regulations of the Labour Code regarding domestic labour, and monitor labour laws and regulations, particularly in the informal sector.[67]

26. CRC was concerned at the high number of children living in the streets. It recommended that Nicaragua reduce their number and that such children attend school and be provided with shelter, food and health services.[68]

C. Administration of justice, including impunity, and the rule of law

27. In November 2012, participants in a regional consultation on the independence of the judiciary in Central America, organized by the Special Rapporteur on the independence of judges and lawyers, had drawn attention to the serious situation in Nicaragua. They had said that appointments of Supreme Court justices were heavily influenced by politics. In addition, they had pointed out that the National Council of the Administration and the Judicial Service did not comply with selection and appointment procedures in competitive examinations.[69] It was also mentioned that the term of office of many State posts had expired, including in the judiciary, which posed a serious problem.[70] Participants had also referred to some positive points; for example, starting in January 2013, civil servants in the judiciary, including judges and magistrates, would undergo a performance appraisal. The purpose of the performance appraisal was to establish a ranking within the judicial service so as to be able to select persons for promotion and implement a selection system based on a competitive examination, based on the magistrates' courts.[71]

28. The Government had sent a reply objecting to the content of the Special Rapporteur's report, on the ground that it did not reflect the reality of the administration of justice in Nicaragua. It also regretted that the Special Rapporteur had not asked the Nicaraguan judiciary for official information.[72]

29. The United Nations in Nicaragua deemed it necessary to reduce the level of impunity and the delays and institutional weakness in the justice system.[73]

30. The United Nations in Nicaragua added that, in the case of indigenous peoples and persons of African descent, despite the fact that the legal framework recognized legal pluralism, including the right of those groups to their own legal system, more decisive progress was needed in providing training for law practitioners and in harmonizing the State legal system with the indigenous legal system.[74]

D. Right to marriage and family life

31. CRC was concerned at the large number of children who were not registered and who did not have birth certificates (about 40 per cent), particularly those of indigenous and Afro-descendant origins. It recommended the approval of the new Civil Registry Law.[75]

32. Concerned at the low and unequal minimum age for marriage (15 for boys and 14 for girls, with parental consent), CRC recommended that the State ensure that the minimum age for marriage for girls and boys is 18 years.[76]

33. CRC was concerned that children who might be declared adoptable were left in institutions for long periods. It recommended that Nicaragua streamline adoption procedures, that the transition period be as short as possible and that during that time, children be cared for by foster families.[77] CRC also recommended that Nicaragua prevent the placement of children in institutions.[78]

E. Freedom of expression, association and peaceful assembly, and right to participate in public and political life

34. The United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that defamation remained a criminal act under articles 202–205 of the Penal Code and carried a monetary penalty. At the same time, article 429 of the Penal Code contained punishment of up to five years' imprisonment for crimes against freedom of expression and information, including preventing the right to inform and be informed.[79] UNESCO encouraged Nicaragua to decriminalize defamation and to place it under the civil code in line with international standards.[80]

35. UNESCO recorded no killing of journalists in Nicaragua between 2008 and 2012. However, there had been reports of journalists receiving death threats and being harassed as a result of their professional work.[81] Nicaragua must ensure that journalists and media workers are able to practice the profession in a free and safe environment as part of their fundamental human rights and must investigate all attacks on journalists and media workers.[82]

36. The United Nations in Nicaragua encouraged the State to continue its efforts to promote the full exercise of the right to freedom of information and expression. It also recommended that the State promote independence and pluralism in the media and create awareness of the importance of freedom of expression as a fundamental human right.[83]

37. The United Nations in Nicaragua pointed out that although Nicaragua had adopted the Public Information Access Act, it had not yet established an institutional structure guaranteeing the right to access such information.[84]

38. The United Nations in Nicaragua said that the 2011 national elections and the 2012 municipal elections had been monitored by international bodies, including the European Union and the Organization of American States. There had been complaints of irregularities and incidents had been reported after the elections, including five deaths in 2011 and three in 2012. It was not known whether any follow-up action was taken or efforts made to implement the recommendations made by the election monitors from the European Union and the Organization of American States. National electoral monitoring had been subject to restrictions.[85]

39. The United Nations in Nicaragua reported that gender parity among elected representatives had been ensured in the municipal elections, making it possible for the first time to have an equal proportion of men and women serving as mayors and deputy mayors.[86]

40. With regard to electoral rights, the United Nations in Nicaragua said that the State had not yet fully complied with the ruling of the Inter-American Court of Human Rights in the case of *Yatama v. Nicaragua*, which required Nicaragua to adapt its Elections Act to the special situation of indigenous peoples and to establish a quick and simple remedy that would enable effective review of decisions issued by the Supreme Electoral Council affecting human rights.[87]

41. The United Nations in Nicaragua urged the State to maximize its efforts to promote a culture of tolerance, dialogue and respect for human rights, strengthening the inclusion of

sectors of civil society that were not necessarily part of official participation models. Persons and institutions that defended human rights played a central role in protecting those rights, and the State should therefore provide them with suitable conditions, avoiding any kind of practice that impeded their work.[88]

F. Right to social security and to an adequate standard of living

42. CRC was concerned at the wide income inequality among families countrywide.[89] UNESCO noted that Nicaragua was undergoing a reform of its social and economic model, focused on State investment in education, cultural and social affairs and based on the strengthening of new productive sectors.[90] CRC encouraged Nicaragua to increase the level of social investment for the protection of child rights, ensure an equitable allocation to disadvantaged regions and groups and address gender and ethnic disparities.[91]

43. The United Nations in Nicaragua noted that the Government, through Decree No. 28-2013, had restored the right to a reduced old-age pension based on a minimum number of contributions to the Nicaraguan Social Security Institute. Demands for such pensions had led to protests and clashes with national and international repercussions in June 2013.[92]

44. The Special Rapporteur on the right to food stated that the Government should assess the impact of trade agreements on a regular basis, in particular in the light of the recently adopted Law on Food and Nutrition Security and Sovereignty, in order to ensure that trade liberalization will not fragilize the most marginal farmers.[93]

45. The Special Rapporteur stressed that the programmes placed under the *Hambre Cero* strategy could be further improved by integrating the human rights principles of non-discrimination, transparency, participation and accountability.[94]

46. The United Nations in Nicaragua said that there was a need to continue improving access to adequate food for persons living in extreme poverty. It noted that the extreme poverty rate was five times higher in rural areas compared with urban areas, while the overall poverty rate in rural areas was double the rate in urban areas. Reducing poverty and extreme poverty in rural areas therefore continued to pose the greatest challenge.[95]

47. In 2010 the Special Rapporteur on the right to food recommended that protection against forced evictions should be improved, and the victims should have remedies against any eviction incompatible with the rule of law or international standards. He added that Nicaragua should take measures which provide the greatest possible security of tenure to occupiers of houses and land, conform to the International Covenant on Economic, Social and Cultural Rights and are designed to control strictly the circumstances under which evictions may be carried out.[96]

G. Right to health

48. The United Nations in Nicaragua said that the Nicaraguan health-care model sought to guarantee universal and free access. That model had enabled progress in areas such as delivery care, coverage of prenatal check-ups and early detection of pregnancy, thereby reducing maternal and infant mortality.[97] Nevertheless, infant mortality was twice as high in rural areas compared with urban areas. There were also a number of challenges to overcome, such as improving access to information, education and sexual and reproductive health services, particularly for adolescents and young persons, women, LGBTI persons, and persons living in rural areas and autonomous regions.[98]

49. CRC noted that child, infant and maternal mortality rates remained high. It recommended ensuring access to high-quality health care for all children and women,

including in rural and indigenous areas,[99] and access to sexual and reproductive health services with a view to preventing teenage pregnancies.[100]

50. CRC was concerned that the Penal Code had criminalized abortion, even in cases when the mother's life is at risk and when the pregnancy is the result of rape or incest,[101] including for pregnant child victims of rape and incest.[102] It recommended that Nicaragua repeal the articles of the Penal Code that criminalized abortion; and ensure that girls are not sanctioned for seeking an abortion under any circumstances.[103] The HR Committee reiterated its recommendation that Nicaragua bring its legislation on abortion into line with the Covenant.[104]

H. Right to education

51. The United Nations in Nicaragua noted that preschool education coverage had increased slightly, while illiteracy rates had remained low, and adult education programmes had been further improved. With regard to the budget, the resources allocated to education had increased in absolute terms, although as a percentage of GDP they had remained essentially unchanged. Infrastructure continued to pose challenges. Although an intercultural education system had been established in the autonomous regions, it had not yet been fully implemented.[105] UNESCO encouraged the Government to strengthen efforts to guarantee indigenous people's right to education[106] and CRC recommended implementing the Intercultural Bilingual Education policy.[107]

52. According to the United Nations in Nicaragua, the main challenges included universalizing preschool education coverage, increasing coverage of secondary and technical education and vocational training, improving the quality of education and reducing inequities in access to schooling, improving the school environment and expanding spaces for the participation of social organizations in education management at the local level.[108]

53. CRC was concerned that 500,000 children still did not attend school, regional disparities were very broad, drop-out rates were high, violence and discrimination was ongoing in schools, and almost half of all adolescents were not in the school system.[109]

I. Cultural rights

54. UNESCO noted that cultural councils (*Consejos de Cultura del Poder Ciudadano*) represented the State but were in charge of the promotion of the participation of all in cultural life. Artists or cultural managers were often only recognized as such when they belonged to one of the cultural associations recognized by the cultural councils.[110] UNESCO encouraged Nicaragua to develop a stronger decentralized cultural sector, in conformity with the needs of its multicultural population.[111]

J. Persons with disabilities

55. The United Nations in Nicaragua drew attention to the adoption of Act No. 763 on the Rights of Persons with Disabilities and the provision of services to persons with disabilities through the *Todos con Voz* (A Voice for All) programme.[112] Nevertheless, most public and private buildings remained inaccessible to persons with motor impairments.[113]

56. CRC was concerned that a high proportion of children with disabilities did not have access to public health services. It recommended that Nicaragua build the capacity of health and social services to provide care to children with disabilities.[114] The United Nations in

Nicaragua pointed out that a high percentage of children with disabilities between the ages of 3 and 16 years were excluded from the school system.[115] CRC recommended that the Government ensure that the education system is fully equipped to implement the inclusive education policy.[116]

57. The United Nations in Nicaragua encouraged the State to allocate the necessary resources to implement Act No. 763 and to enable the population to access socioeconomic services. It also encouraged the State to develop programmes and policies to promote the right to education for children with disabilities and to eliminate discrimination against persons with disabilities.[117]

K. Minorities and indigenous peoples

58. The United Nations in Nicaragua believed that, despite the progress achieved, indigenous peoples and persons of African descent continued to face limitations compared with the rest of the population. Negative stereotypes still prevailed, and the media still published distorted information about indigenous peoples and persons of African descent. The indigenous peoples of the Pacific, Central and Northern regions did not enjoy as much visibility or recognition in the law as the peoples of the Caribbean coast. The National Assembly was considering a specific bill that, if adopted, could become a very valuable tool to help realize their rights.[118]

59. The indigenous peoples of the Atlantic coast and other regions of the country were under threat from the advancing agricultural frontier, from logging and mining, and from the inappropriate exploitation of fishery resources. State intervention should be strengthened so as to control those practices, and should include the holding of free, prior, and informed consultations with the indigenous peoples and persons of African descent who were affected.[119]

60. CRC was concerned that indigenous and Afro-descendant children faced significant challenges in exercising their rights, specifically the right to enjoyment of their culture and language.[120]

61. The Special Rapporteur on the right to food recommended that the Government put in place a rapid alert system in order to protect indigenous peoples from the impacts of weather-related events, and support them in building the resilience of their food systems against climate change.[121]

L. Migrants, refugees and asylum seekers

62. UNHCR noted that Nicaragua was a country of origin of economic migrants and was largely a transit country for asylum seekers and refugees moving towards the North in mixed migratory flows. Nicaragua received few asylum claims but there was a need to develop migration and detention standards that comply with basic international human rights.[122]

63. UNHCR added that the legal framework on asylum was advanced. The Law on Refugee Protection incorporated the extended refugee definition of the 1984 Cartagena Declaration on Refugees and gender-based persecution was recognized as a ground for recognition of refugee status.[123] Also, the Law on Migration established that complementary protection status could be granted to persons who did not qualify as refugees, but who, nevertheless, were in need of international protection.[124]

64. UNHCR indicated that, in the context of the mixed migratory flows arriving to Nicaragua, it was crucial for the Government to establish proper identification and referral

mechanisms to be able to respond to the specific needs of all categories of persons in need of international protection. UNHCR recommended that the Government strengthen its efforts to manage mixed migration flows in a protection-sensitive manner; and adopt measures to establish appropriate mechanisms aimed at early identification, referral, assistance and support for persons in need of international protection.[125]

65. The United Nations in Nicaragua recommended strengthening monitoring, follow-up and protection for the migrant population in transit, for example by adopting the proposed law on the protection of nationals abroad.[126]

66. CRC noted with concern that migration for economic and employment reasons had steadily increased in Nicaragua.[127]

Notes

[1] Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, http://treaties.un.org/. Please also refer to the United Nations compilation on Nicaragua from the previous cycle (A/HRC/WG.6/7/NIC/2).

[2] The following abbreviations have been used for the present document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CPED	International Convention for the Protection of All Persons from Enforced Disappearance

[3] Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: CPED, art. 30.

[4] Information relating to other relevant international human rights instruments may be found in the pledges and commitments undertaken by Nicaragua before the Human Rights Council, as contained in the note verbale (A/65/823) dated 18 April 2011 sent by the Permanent Mission of Nicaragua to the United Nations addressed to the President of the General Assembly. Available from www.un.org/en/ga/search/view_doc.asp?symbol=A/65/823&Lang=E.

[5] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

[6] 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

[7] Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

[8] International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

[9] 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

[10] International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries and Convention No. 189 concerning Decent Work for Domestic Workers.

[11] Concluding observations of the Committee on the Rights of the Child (CRC/C/NIC/CO/4), para. 85.

[12] Ibid., para. 57.

[13] Concluding observations of the Committee on the Rights of the Child (CRC/C/OPAC/NIC/CO/1), para. 22. See also UNCT submission to the UPR on Nicaragua, paras. 11 and 84.

[14] UNHCR submission to the UPR on Nicaragua, p. 2.

[15] Ibid., p. 5.

[16] UNCT submission, para. 6.

[17] Ibid., para. 8.

[18] Ibid., para. 7.

[19] Concluding observations of the Committee on the Rights of the Child (CRC/C/OPSC/NIC/CO/1), para. 7.

[20] Ibid., para. 23.

[21] Ibid., para. 24.

[22] Ibid., para. 8.

[23] CRC/C/NIC/CO/4, para. 9.

[24] According to article 5 of the rules of procedure for the International Coordinating Committee (ICC) Sub-Committee on Accreditation, the different classifications for accreditation used by the Sub-Committee are: A: Voting Member (fully in compliance with each of the Paris Principles), B: Non-Voting Member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination), C: No Status (not in compliance with the Paris Principles).

[25] For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/23/28, annex.

[26] UNCT submission, para. 9.

[27] CRC/C/NIC/CO/4, paras. 16–17; CRC/C/OPAC/NIC/CO/1, paras. 7–8; and CRC/C/OPSC/NIC/CO/1, paras. 13–14.

[28] UNCT submission, para. 10.

[29] The following abbreviations have been used for this document:

CERD Committee on the Elimination of Racial Discrimination
CESCR Committee on Economic, Social and Cultural Rights
HR Committee Human Rights Committee
CEDAW Committee on the Elimination of Discrimination against Women
CAT Committee against Torture
CRC Committee on the Rights of the Child
CMW Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD Committee on the Rights of Persons with Disabilities

[30] OHCHR, "Key UN group on prevention of torture announces countries to be visited in 2014", press release, 18 November 2013. Available from www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=14001&LangID=E.
[31] Concluding observations of the Human Rights Committee (CCPR/C/NIC/CO/3), para. 23.
[32] A/67/40, Vol. I, paras. 69 and 235, and pp. 168–171 and 225–226.
[33] Letters dated 23 April 2010, 8 October 2010, 10 May 2011, 2 August 2011 and 26 April 2012 from HR Committee to the Permanent Mission of Nicaragua in Geneva, available at http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/FollowUp.aspx?Treaty=CCPR&Lang=en.
[34] Concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/NIC/CO/14), para. 34.
[35] Concluding observations of the Committee against Torture (CAT/C/NIC/CO/1), para. 30.
[36] Letter dated 28 March 2011 from CAT to the Permanent Mission of Nicaragua in Geneva. Available from http://www2.ohchr.org/english/bodies/cat/docs/ReminderNicaragua28032011.pdf.
[37] UNCT submission, para. 11.
[38] For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.
[39] CRC/C/OPSC/NIC/CO/1, para. 40.
[40] *OHCHR Report 2011*, p. 33.
[41] OHCHR annual reports 2009–2012. Available from www.ohchr.org/en/publicationsresources/pages/annualreportappeal.aspx.
[42] CRC/C/NIC/CO/4, paras. 36–37.
[43] UNCT submission, para. 79.
[44] Ibid., para. 80. See also CRC/C/NIC/CO/4, paras. 36–37.
[45] UNCT submission, para. 67.
[46] Ibid., para. 68.
[47] Ibid., para. 50.
[48] CRC/C/NIC/CO/4, paras. 46–47. See also CRC/C/NIC/CO/4, para. 81 (d).
[49] UNCT submission, para. 99.
[50] Ibid., para. 100.
[51] Letter dated 26 April 2012 from the HR Committee to the Permanent Mission of Nicaragua in Geneva, second page. Available from http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/FollowUp.aspx?Treaty=CCPR&Lang=en. See also CCPR/C/NIC/CO/3, para. 17.
[52] CRC/C/NIC/CO/4, paras. 80–81.
[53] UNCT submission, para. 45.
[54] Ibid. paras. 48-49.
[55] Ibid., para. 51.
[56] CRC/C/NIC/CO/4, para. 58. See also UNCT submission, para. 81.
[57] CRC/C/NIC/CO/4, para. 59.
[58] Ibid., para. 59 (a).
[59] Ibid., para. 50 (d).
[60] Ibid., para. 59 (f).
[61] Ibid., para. 59 (h). See also UNCT submission, para. 74.
[62] CRC/C/NIC/CO/4, paras. 48–49. See also CRC/C/NIC/CO/4, para. 50 (a).
[63] CRC/C/OPSC/NIC/CO/1, paras. 11–12 (a). See also CRC/C/OPSC/NIC/CO/1, para. 19.
[64] CRC/C/NIC/CO/4, para. 76.
[65] CRC/C/OPSC/NIC/CO/1, para. 21.

[66] CRC/C/NIC/CO/4, para. 77 (a) (b) and (c). See also UNCT submission, paras. 46–47 and CRC/C/OPSC/NIC/CO/1, para. 22 (a).
[67] CRC/C/NIC/CO/4, paras. 72, 73 (b) and (c). See also UNCT submission, para. 71.
[68] CRC/C/NIC/CO/4, paras. 74, 75 (a) and (c).
[69] A/HRC/23/43/Add.4, para. 66.
[70] Ibid., para. 68.
[71] Ibid., para. 69.
[72] A/HRC/23/G/5, p. 1.
[73] UNCT submission, para. 53.
[74] Ibid., para. 54.
[75] CRC/C/NIC/CO/4, paras. 44–45(a). See also UNCT submission, paras. 62 and 73.
[76] CRC/C/NIC/CO/4, paras. 34–35.
[77] Ibid., paras. 56–57.
[78] Ibid., para. 55 (a).
[79] UNESCO submission to the UPR on Nicaragua, para. 18.
[80] Ibid., para. 28.
[81] Ibid., para. 21.
[82] Ibid., para. 29. See also UNCT submission, para. 51.
[83] UNCT submission, para. 61.
[84] Ibid., para. 60. See also UNESCO submission, paras. 19 and 27.
[85] UNCT submission, para. 56.
[86] Ibid., para. 58.
[87] Ibid., para. 57.
[88] Ibid., para. 59.
[89] CRC/C/NIC/CO/4, paras. 68–69.
[90] UNESCO submission, para. 15.
[91] CRC/C/NIC/CO/4, paras. 18 and 20 (a).
[92] UNCT submission, para. 91.
[93] A/HRC/13/33/Add.5, para. 83 (b).
[94] Ibid., para. 83 (f). See also UNCT submission, para. 14.
[95] UNCT submission, para. 15. See also CRC/C/NIC/CO/4, paras. 68-69.
[96] A/HRC/13/33/Add.5, para. 83 (a).
[97] UNCT submission, para. 19.
[98] Ibid., para. 21. See also CRC/C/NIC/CO/4, paras. 62–64, 65 (a) and (b).
[99] CRC/C/NIC/CO/4, paras. 62–63.
[100] Ibid., paras. 64, 65 (a) and (b).
[101] CRC/C/NIC/CO/4, para. 64. See also CRC/C/NIC/CO/4, para. 58.
[102] Ibid., para. 58.
[103] Ibid., para. 59 (b).
[104] Letter dated 26 April 2012 from HR Committee to the Permanent Mission of Nicaragua in Geneva, p. 2. Available from http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/FollowUp.aspx?Treaty=CCPR&Lang=en. See also CCPR/C/NIC/CO/3, para. 13 and UNCT submission, para. 83.
[105] UNCT submission, paras. 25-29.
[106] UNESCO submission, para. 23. See also CRC/C/NIC/CO/4, para. 71 (c).
[107] CRC/C/NIC/CO/4, para. 71 (c).
[108] UNCT submission, para. 30.
[109] CRC/C/NIC/CO/4, para. 70 (a)(b)(d)(f).
[110] UNESCO submission, para. 16.
[111] Ibid., para. 25.
[112] UNCT submission, para. 93.
[113] Ibid., para. 95.
[114] CRC/C/NIC/CO/4, paras. 60 and 61 (c).
[115] UNCT submission, para. 97.
[116] CRC/C/NIC/CO/4, para. 61 (b).
[117] UNCT submission, para. 98.
[118] Ibid., para. 64.

[119] Ibid., para. 38.
[120] CRC/C/NIC/CO/4, para. 83.
[121] A/HRC/13/33/Add.5, para. 83 (h).
[122] UNHCR submission, pp. 1–2.
[123] Ibid., p. 2.
[124] Ibid., p. 2. See also UNCT submission, para. 85.
[125] UNHCR submission, p. 3. See also UNCT submission, para. 86.
[126] UNCT submission, para. 87.
[127] CRC/C/NIC/CO/4, paras. 78–79(a).

United Nations A/HRC/WG.6/19/NIC/3

General Assembly

Distr.: General
21 January 2014
English
Original: English/Spanish

Human Rights Council
Working Group on the Universal Periodic Review
Nineteenth session
28 April–9 May 2014

Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

Nicaragua*

The present report is a summary of 24 stakeholders' submissions[1] to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period

* The present document was not edited before being sent to United Nations translation services.

GE.14-10422 (E) 060314 100314

1410422

Please recycle

I. Information provided by the accredited national human rights institution of the State under review in full compliance with the Paris Principles

A. Background and framework

1. La Procuraduría para la Defensa de los Derechos Humanos (Office of the Human Rights Advocate) (PDDH) welcomed the ratification of International Labour Organization (ILO) Convention No. 189 in 2012 and the adoption of the Code of Labour Procedure in 2013.[2]

2. PDDH expressed the view that the approval of Act No. 745 on the implementation, benefits and jurisdictional oversight of criminal penalties strengthened criminal justice by establishing a system for monitoring compliance with the safeguards providing protection for the dignity of persons deprived of their liberty.[3]

3. In 2012 the Government designated PDDH as the national preventive mechanism against torture in accordance with the Optional Protocol to the Convention against Torture.[4]

B. Implementation of international human rights obligations

4. PDDH reported that the Government has developed programmes to restore public security, succeeding in reducing criminal activity. PDDH recommended that the State ensure that police stations continue to promote respect for human rights.[5]

5. Nicaragua has eight prisons with a total inmate capacity of 4,300, but the detainee population is 9,801. The Government has announced plans to build a new women's prison and another new prison in the Atlántico Sur autonomous region as well as plans to extend the National Prison.[6]

6. PDDH welcomed the Government's efforts to increase employment, highlighting that employment growth had been greatest in rural areas thanks to the implementation of the Hambre Cero (zero hunger) project.[7]

7. PDDH also commended the continuing work to guarantee access to free education. Figures for 2012 revealed an increase in school enrolment relative to 2007. There was also an increase in school attendance and retention rates at all levels. The Government has made significant efforts to improve the educational infrastructure. PDDH urged the State to assign more public resources to education.[8]

II. Information provided by other stakeholders

A. Background and framework

8. El Movimiento Autónomo de Mujeres (Autonomous Women's Movement) (MAM) reported that the rule of law is being undermined by violations of the Constitution, the separation of powers and judicial independence, and also by electoral fraud, the centralization of power and the erosion of citizen participation and respect for pluralism.[9] Joint Submission No. 4 (JS4) noted a deterioration in the human rights situation in Nicaragua, with no evidence of any will to comply with the recommendations issued in the country's first universal periodic review.[10]

9. El Instituto de Liderazgo de Las Segovias (Las Segovias Institute of Leadership) (ILLS) recommended that the State re-establish the democratic system by ensuring the independence of powers and absence of partisanship, secularism, freedom of conscience, expression and association, and transparency in the administration of public resources.[11] Pen International (PEN) recommended that the State promote tolerance, dialogue, respect for the law and the consolidation of democratic institutions.[12]

1. Scope of international obligations

10. JS4 recalled that Nicaragua has not ratified key international human rights instruments including: the International Convention for the Protection of All Persons from Enforced Disappearance; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; and the Rome Statute of the International Criminal Court.[13] Amnesty International (AI) recommended the Government to ratify the Convention for the Protection of All Persons from Enforced Disappearance, the Rome Statute of the International Criminal Court, and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.[14] Joint Submission No. 1 (JS1) recommended that the State ratify the third Optional Protocol to the Convention on the Rights of the Child.[15]

2. Constitutional and legislative framework

11. MAM reported that the adoption of the Family Code was nearing completion. However, the regulations adopted favour heterosexual marriage, do not guarantee the right to gender identity and do not encompass sexual orientation. The consultations were insufficient and included only government-related sectors.[16] Joint Submission No. 5 (JS5) noted that various LBGTI organizations had called for diverse families and the LBGTI community to be included in the new Family Code but had been denied the right to have their views taken into account.[17] JS1 recommended that the State adopt the Family Code in 2014.[18] Joint Submission No. 6 (JS6) recommended that the Government undertake to legislate in favour of sexually diverse persons.[19]

12. El Pueblo Indígena de Muy Muy (Indigenous Peoples of Muy Muy) (PIDMM) recalled that in 2006 the indigenous communities submitted a proposal for a general act concerning the indigenous peoples of the Pacific, Central and Northern regions of Nicaragua to the National Assembly but that no response had been forthcoming and the proposal had not been adopted.[20] PIDMM recommended that the Government approve the General Act on the Indigenous Peoples of the Pacific, Central and Northern Regions of Nicaragua.[21]

3. Institutional and human rights infrastructure and policy measures

13. The Centre for Justice and International Law (CEJIL) expressed concern about executive branch interference in various public institutions. In 2010 the Government issued a decree that extended the terms of office of members of the Supreme Court, the Supreme Electoral Council, the Comptroller General's Office, PDDH and the Attorney-General's Office. Appointments to these offices can be made only by the National Assembly. More than three years have passed and the aforementioned appointments have not been made. There are doubts as to the independence of the public officials who make up the above-mentioned bodies.[22]

14. According to CEJIL, the Supreme Electoral Council has been criticized for numerous decisions that limit political participation.[23] The most recent example was the decision to revoke the appointment of a female Member of Parliament who refused to vote in favour of the concession for the construction of the Interoceanic Canal and that of

another Member of Parliament who announced that he was distancing himself from the alliance with the ruling party. The Supreme Electoral Council took the view that the posts of these officials, who had been elected in 2011, should be assigned to the Government party.[24] La Asociación de Jubilados y Pensionados Independientes de Nicaragua (Association of Independent Retirees and Pensioners in Nicaragua) (AJUPIN) noted that the Member of Parliament who was removed from office was not given the opportunity to argue his case, in violation of the rights to due process and the presumption of innocence.[25] The principle of equality before the law was also violated as several Members of Parliament had previously changed their party affiliation without sanction of any form.[26]

15. MAM reported that the Procurador de Derechos Humanos (Human Rights Advocate) remains in his post even though his term of office has expired.[27] According to JS1, PDDH has not been able to remedy its lack of independence and impartiality.[28] JS1 recommended that the State appoint a new Procurador de Derechos Humanos, restore the autonomy of PDDH and free up the resources needed to guarantee its full operation.[29]

16. JS4 indicated that the State has not complied with the recommendation to establish a human rights observatory made in the first universal periodic review of Nicaragua.[30]

17. The International Human Rights Clinic, University of Oklahoma College of Law (IHRC-OU) noted that the 2010 decision to eliminate the Special Ombudsman's Office on Indigenous Rights was an indication of the State's intention to minimize the importance of indigenous issues.[31] El Pueblo Indígena de Muy Muy (PIDMM) recommended that the State establish an Office of the Special Human Rights Advocate for the Indigenous Peoples of the Pacific, Central and Northern Regions of Nicaragua[32] and that the Special Advocate should be appointed in consultation with the indigenous communities.[33]

18. JS6 noted that in 2009 the Government had appointed a Special Human Rights Advocate for Sexual Diversity. However, there is no legal framework supporting the decision. The validity of the Special Advocate's appointment has been questioned and the LGBTIQ community does not identify with her as her administration has been ineffectual.[34] JS6 recommended that the Government undertake to legislate immediately to establish an institutional structure that provides the LGBTIQ community with an appropriate forum within PDDH.[35]

19. JS1 stated that Nicaragua has an extensive body of policy on the rights of the child. However, policy implementation is limited by a lack of budget and independence in certain institutions.[36]

B. Cooperation with human rights mechanisms

20. PIDMM recommended that the Government invite the Special Rapporteur on the rights of indigenous peoples to visit Nicaragua in 2014.[37]

C. Implementation of international human rights obligations

1. Equality and non-discrimination

21. JS5 expressed the view that the Government had not complied with the seventh recommendation made in the first universal periodic review, which called for national legislation to be harmonized with the Convention on the Elimination of All Forms of Discrimination against Women.[38]

22. Joint Submission No. 9 (JS9) indicated that women suffer discrimination and inequalities that compromise their rights.[39] The State maintains laws and policies that

undermine women's integrity. For example, the right to health is not guaranteed; termination of pregnancy is impossible even in cases of rape or risk to the woman's health; there is a lack of access to justice; and violence against women is escalating due to high levels of impunity.[40]

23. JS6 noted that there is no law which expressly recognizes the legality of homosexuality.[41] JS5 stated that legislation to address discrimination on the grounds of sexual orientation and gender identity is urgently needed[42] and called on the State to criminalize hate crime in the Criminal Code.[43]

24. JS6 reported that the incidence of hate crime against the LGBTIQ community increased in 2012 and 2013.[44] More than 25 offences classified as crimes against LGBTIQ persons were recorded in 2012. To date in 2013, 15 similar offences have already been reported.[45]

25. JS5 acknowledged advances in the recognition of certain rights to the LGBTI community, but stated that the rights recognized are not respected.[46] JS5 urged the State to respect and safeguard the rights of the LGBTI community, noting that the authorities continue to place party, ideological and religious prejudices above the community's interests when implementing policies and laws.[47]

2. Right to life, liberty and security of the person

26. JS4 reported that the State has still not aligned the definition of torture contained in the Criminal Code with the Convention against Torture.[48]

27. JS4 added that, in 2012, the police force was the authority most frequently accused of human rights violations. However, of the 3,231 police officers reported in 2012, only 530 were disciplined administratively and only 37 cases were referred to the judicial authority. The outcome of these cases is not known.[49] AI recommended the Government to ensure thorough, independent and transparent investigations into allegations of torture and ill-treatment at the hands of the police.[50]

28. JS4 noted that overcrowding problems persist in the country's prisons.[51] Joint Submission No. 3 (JS3) expressed concern about the living conditions of detainees in the Atlantic autonomous regions. The two regions share a single prison with inadequate infrastructures.[52] The deficient conditions make it impossible to separate convicted prisoners from pretrial detainees and adults from juveniles.[53]

29. JS4 drew attention to cases of women prisoners having been raped by prison officers and in other cases by their cell mates in recent years.[54] JS5 highlighted the abuses suffered by detainees from the LGBTI community at the hands of prison officers.[55] JS5 recommended that the State allow independent human rights organizations to inspect centres of detention.[56]

30. AI noted that a Comprehensive Law against Violence against Women (Act No. 779) was passed in 2012. Act No. 779 has been attacked by those who argue that the law breaks up the family, since it provides a route for women to leave violent partners. In September 2013, the National Assembly approved amendments to Act No. 779 which weaken the protections for victims, facilitates impunity for abusers[57] and are contrary to international and national obligations to protect women's rights.[58] AI recommended the Government to rectify the steps taken in weakening Act No. 779. The State must offer women a clear route out of violent situations, and ensure that those who abuse them are held to account.[59]

31. JS9 stated that the incidence of sexual violence has increased in the past five years. In 2012, 84.3 per cent of cases reported involved minors aged under 17 years old. Domestic and sexual violence are hidden from view. The system gives perpetrators impunity. Many women and girls endure unwanted pregnancies as a result of sexual violence. In 2011, there

were 1,453 births to girls aged between 10 and 14 years old in State hospitals. According to the Criminal Code all such births should be regarded as the result of sexual abuse. It is not known whether any of these cases were reported and brought to trial.[60] JS9 recommended that the Government implement policies that conform to Act No. 779, which contains measures to curb the rise in sexual violence against women and girls.[61]

32. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that corporal punishment of children was lawful, despite accepted recommendations to prohibit it during Nicaragua's first UPR.[62] GIEACPC recommended the UPR Working Group to recommend that Nicaragua explicitly prohibit corporal punishment of children.[63]

33. Casa Alianza Nicaragua (CANIC) recognized the advances made in developing effective internal legislation to combat trafficking in human beings. At the institutional level, programmes focused on victim support have been developed. However, lacunae remain in relation to measures to ensure victims' rehabilitation and social reintegration, a system of compensation and an adequate witness protection scheme.[64] In the main tourist regions and in border areas, exposure to offences of this kind remains high. The increase in the number of girls falling victim to commercial sexual exploitation is concerning.[65]

34. CANIC recommended that the State make efforts to: pass a law to ensure comprehensive care for victims of trafficking; regulate witness protection; and formulate a national plan to combat the commercial sexual exploitation and trafficking of children and adolescents.[66]

35. JS1 reported that, according to the latest official data (2005), 239,000 children aged between 5 and 17 years old were engaged in some form of labour. Of this total, 76 per cent were engaged in informal activities classified as being among the worst forms of child labour. The Government carried out a new survey in 2009 but the data have not been published.[67] JS1 recommended that the State publish statistics on child labour and strengthen mechanisms for the prevention of child labour.[68]

3. Administration of justice and the rule of law

36. JS4 highlighted various problems affecting the administration of justice which reflect the deterioration in the country's institutional system and the system's exploitation by political parties and economic sectors and as a means of political patronage and influence peddling.[69] Within the judiciary there is a confusion between party and State that has resulted in violations of the right to legal security.[70] JS4 recommended that the State take the measures necessary to ensure the independence of the judiciary.[71]

37. The Centre for Justice and International Law (CEJIL) stated that, in a ruling issued eight years ago, the Inter-American Court of Human Rights ordered, inter alia, the adoption of a judicial remedy that allows for the review of decisions taken by the Supreme Electoral Council which affect human rights, but that the State has not complied with this order.[72]

38. CANIC drew attention to deficiencies in the administration of juvenile criminal justice. There are not enough specialized care centres for juveniles subject to custodial measures and sometimes they are not separated from adult detainees.[73] There is no social reintegration programme for juveniles.[74] CANIC recommended that the State increase the budget allocated to juvenile detention centres and forge alliances with civil society with a view to implementing a comprehensive support programme for juveniles deprived of their liberty.[75]

4. Right to privacy and family life

39. Franciscans International (FI) highlighted that, although the situation has improved, the number of unregistered births in Nicaragua remains high. Various sources estimate that

the rate of birth under-registration remains at 19 per cent.[76] The legal framework for birth registration dates from 1904. Human rights organizations submitted a bill for a new civil registration act five years ago, but it has not been adopted. The Supreme Electoral Council asked for the bill to be suspended in 2010 and in 2013 it was removed from the National Assembly's list of priorities.[77] FI recommended that the State adopt a new civil registration act without delay.[78] IHRC-OU recommended the Government to guarantee that children born in indigenous communities of the Pacific, Central and Northern regions are registered at birth and those that are currently not registered will become registered by 2016.[79]

40. El Instituto de Liderazgo de Las Segovias (ILLS) stated that, in the last two elections, hundreds of citizens protested against the electoral authorities' failure to issue voter identification cards.[80]

5. Freedom of expression, association and peaceful assembly, and right to participate in public and political life

41. Joint Submission No. 2 (JS2) reported a deterioration in the conditions that affect freedom of expression, especially for persons who criticize the Government, complain of unsatisfied social rights or support the call for democracy and transparent and competitive elections.[81]

42. JS4 reported that, on 22 June 2013, parastatal forces forcibly removed young persons and elderly adults who were holding a vigil outside the Social Security Institute to support their claims for an old age pension. The young persons were brutally assaulted. Months after the events, the outcome of the inquiries is still not known. JS4 expressed concern that the police force is losing the ability to carry out its duties without discrimination based on political sympathies.[82]

43. PEN expressed the view that freedom of information is restricted and under threat. Pressure, intimidation and fear are fuelling self-censorship and fear of expressing oneself. The regime's information policy is biased in its favour. Media and journalists who are not pro-Government are disqualified.[83] The Government practice of taking journalists and media representatives to court has continued.[84] The Inter-American Commission on Human Rights (IACHR) stated that it had received information indicating that media outlets critical of the Government could be the subject of indirect mechanisms of pressure.[85]

44. PEN recommended that the Government put an immediate end to the defamation, intimidation and judicial harassment of all those who peacefully exercise their right to free expression.[86]

45. Joint Submission No. 8 (JS8) noted that despite recommendations to remove defamation from the Criminal Code received during Nicaragua's first UPR, defamation, including libel and slander, remained a criminal offence.[87] JS2 recommended that the State decriminalize libel and slander.[88]

46. IACHR noted that Article 52 of the Constitution stated that: "Citizens have the right, individually or collectively, to [...] make constructive criticism of the State or any authority." The State should recall that the right to freedom of expression is not limited to protecting opinions that are favourable or pleasant. It also protects statements that are offensive, disturbing and disruptive for the State. These are the demands of a democracy founded on diversity and pluralism.[89] JS8 recommended the Government to amend Article 52 of the Constitution to remove the caveat "constructive" from the licence to criticise Government policy.[90]

47. JS2 noted the lack of regulations governing the allocation and administration of Government spending on advertising, which is used as a means to reward or punish the editorial line of the media.[91] JS2 recommended that the State make the allocation of

Government spending on advertising subject to regulations that guarantee the application of fair and objective criteria.[92]

48. JS2 highlighted that media control is concentrated among members of the President's family. With the addition of Canal 16, a channel controlled by the President's family since 2012, five free-to-air channels are reported to be under the control of the President's family. This number does not include the channels on which the Government buys copious advertising space for the dissemination of party propaganda.[93] JS2 expressed the view that effective measures should be adopted to limit concentration of ownership of the communication media.[94]

49. JS2 noted that, five years after the approval of the Access to Information Act, State institutions are clearly behind in the digitization process and there is a dearth of Public Information Offices.[95] JS2 called on the State to implement the Access to Information Act.[96]

50. JS8 noted that the Law of non-profit Legal Entities (147–1992) lacked clear procedures and requirements for organizational authorization and operation and, thus, allowed for broad discretion in its implementation. A number of NGOs have reported that the Ministry of the Interior has used the law to obstruct the registration of civil society organizations.[97] The Government also continued promoting new guidelines aimed at regulating NGO interaction with international donors.[98] JS8 recommended the Government to clarify under Act No. 147 the procedures and requirements that civil society organizations must follow for their constitution, authorization, operation and termination.[99]

51. JS8 noted that the environment for human rights defenders remained hostile. Media campaigns, aimed at discrediting human rights activists, are supported by the Government. Despite a reduction in the number of attacks on activists reported since 2010, past assaults remain unpunished.[100] JS5 stated that a number of LGBTI activists have been assaulted for having demanded respect for their rights.[101] JS8 considered that measures should be taken to ensure that law enforcement officers provide adequate protection to all citizens, regardless of political affiliation.[102]

52. ILLS noted that citizen participation has been formalized through the Citizens Power Councils, now known as Committees for Family, Life and Community. This model eliminated the traditional forums for pluralist participation which previously worked to ensure agreement on development issues between Government and citizens.[103]

53. ILLS noted that the Government has violated freedom of association by requiring public-sector employees to affiliate themselves to the Government party. Furthermore, the Government uses public-sector employees as propagandists, ordering them to post propaganda in the streets during working and non-working hours and ordering their presence at Government party events.[104]

54. JS4 noted that independent organizations continued to be prevented from observing elections.[105] Obstacles impeded both national and international observation of the 2011 elections. The breakdown of results by electoral district was never published as required by law.[106]

55. JS8 observed that according to the Labour Code, unions were required to meet onerous criteria before a strike was considered official. Unfair dismissals relating to union activities were common place.[107]

6. Right to work and to just and favourable conditions of work

56. JS4 highlighted that 70 per cent of the total 2 million workers in Nicaragua work in the informal sector and do not have access to social security.[108]

57. JS6 indicated that the right to work is a utopian issue for LGBTIQ persons who face discrimination and lack of access to decent, well-paid jobs.[109]

7. Right to social security and to an adequate standard of living

58. Joint Submission No. 7 (JS7) stated that with the National Human Development Plan 2008–2011, the Government established a strategy of economic growth focused on people living in poverty.[110] JS4 noted that the Government had shown no readiness to increase the budget for health and education.[111]

59. JS4 added that high levels of poverty still persist. Poverty levels in rural areas are almost twice levels in urban areas.[112]

8. Right to health

60. JS1 acknowledged marked advances in health, especially mother and child health, with significant reductions in maternal and infant mortality and child malnutrition, as well as improvements in access to and the coverage of immunization programmes and national health days. However, greater resources are still required for this sector.[113]

61. JS9 recalled that abortion of all forms, including therapeutic abortion, remained a criminal offence in spite of recommendations received from five treaty bodies and eight recommendations accepted in the first universal periodic review of Nicaragua.[114] The percentage of indirect obstetric deaths has increased.[115]

62. JS9 recommended that the State take the actions necessary to allow for therapeutic abortions to be performed to save the life or safeguard the health of women in cases of rape or incest and cases of congenital defects incompatible with life.[116]

63. JS9 noted that teenage pregnancies accounted for a quarter of total births each year. Eighty-six per cent of sexually active women aged between 15 and 19 years old do not want a child within the next two years and 36 per cent have an unmet need for effective contraception. JS9 recommended that the State provide immediate obstetric care to women, adolescents and girls in high-risk pregnancies.[117]

64. IHRC-OU noted that indigenous communities faced significant barriers to access health care resources.[118] In addition, the lack of an integrated medical system that incorporates the traditional customs, often force those seeking medical care to choose between the State-sponsored resources and their values and beliefs.[119] IHRC-OU recommended the Government to develop indigenous health systems, in consultation with indigenous peoples.[120]

65. CANIC highlighted that, despite Government efforts to prevent addiction, neither society nor the State view the consumption of psychoactive substances as a chronic illness that should be properly treated and not punished. Although legislation on the prevention of addictions exists, rehabilitation centres and programmes are operated by civil society.[121] Addiction and substance dependence is a problem closely related to the street situations in which many children and adolescents are living.[122]

66. JS5 noted that Nicaragua was far from achieving Millenium Development Goal No. 6 on containing HIV/AIDS given that the incidence of HIV/AIDS was still rising.[123] The new Act No. 820 on the fight against HIV was not subject to consultation and is not supported by implementing regulations.[124]

9. Right to education

67. JS1 noted a modest improvement in Government spending on basic and secondary education as a percentage of GDP (3.8 per cent in 2010 compared with 3.3 per cent in

2006). In addition, teachers are becoming increasingly professionalized and wages have improved.[125] JS7 recommended the Government to develop a policy that includes all levels of education, in line with the MDGs.[126]

68. El Centro de Derechos Humanos, Ciudadanos y Autonómicos (Centre for Human Rights and Rights of Citizens and Autonomous Groups) (CEDEHCA) expressed the view that ethnic and cultural discrimination in schools is a major obstacle to equal access to education. Indigenous girls, in particular, experience severe problems associated with the unwelcoming school environment, sexual discrimination, persistent violence in schools and, on occasions, sexual abuse.[127]

69. JS6 reported that LGBTIQ persons continue to suffer discrimination and violence in the educational system. People living with HIV are exposed to persistent bullying in schools. The Special Human Rights Advocate for Sexual Diversity has launched not a single initiative to promote access to education for LGBTIQ persons.[128]

10. Persons with disabilities

70. JS1 reported that there are 26 special education schools providing educational support to children with various disabilities. There are also 13 integrated classrooms operating in mainstream schools. The number of special education schools is minimal relative to existing demand in the country and the resources allocated to this subsystem amount to less than 1 per cent of the total budget allocated to education.[129]

11. Minorities and indigenous peoples

71. JS3 indicated that the indigenous peoples of the Caribbean Coast suffer multiple violations of their collective rights. As a result of the neglect they have historically suffered, the two autonomous regions of Nicaragua have higher levels of poverty, unemployment and violence, lower levels of schooling and major deficiencies in the health system.[130] El Pueblo Indígena de Muy Muy (PIDMM) called on the State to respect the rights of indigenous peoples in Nicaragua, in compliance with national laws and the United Nations Declaration on the Rights of Indigenous Peoples.[131]

72. The Humboldt Centre (CH) for the promotion of territorial development and environmental management stated that Nicaraguan regulations recognize that indigenous peoples and persons of African descent have the right to communal property. The National Human Development Plan 2012–2016 provides for the recognition of communal property rights and the right to use, administer and control traditional territories and the natural resources found there through the demarcation and titling of indigenous and Afro-descendant communities' land.[132]

73. JS3 noted progress in the demarcation and titling of indigenous territories; there are 21 titled territories, between them accounting for 28.14 per cent of national territory. However, the invasion, colonization and devastation of the land of indigenous and Afro-descendant communities continue at an accelerated and uncontrolled pace.[133]

74. CEDEHCA noted that the Government has contradictory policies for dealing with the spread of agricultural activities and conflicts between the peasant farming population and the indigenous and Afro-descendent communities whose territories are already duly demarcated.[134] In addition, proposals currently before the National Assembly envisage the creation of new autonomous regions or a new department, which would infringe upon territories belonging to indigenous and Afro-descendent communities.[135]

75. IHRC-OU recommended that the Government review the confiscation of lands; aid in the development of a method of land title record keeping that would help alleviate current and future confusion regarding land ownership.[136]

76. CH stated that indigenous and Afro-descendant communities' right to prior, free and informed consultation was clearly not being respected.[137] Examples of this were the numerous metal mining concessions granted in the Atlántico Norte autonomous region, the oil exploration and exploitation concessions granted for the Caribbean marine platform, the licences issued for the establishment of monoculture African oil palm plantations in the Atlántico Sur autonomous region and, more recently, the concession awarded for the Grand Interoceanic Canal Project.[138]

77. PIDMM drew attention to the high level of local government interference in traditional indigenous structures in the indigenous communities of the Pacific, Central and Northern regions. In many communities there were two types of authority, one imposed by the Government, the other traditional.[139] PIDMM recommended that the State should adopt a law which prohibits interference with, intervention in and manipulation of indigenous peoples' practices and customs, allowing them to choose their own traditional authorities.[140]

12. Right to development and environmental issues

78. CH reported that private companies and joint ventures do not provide information on the environmental impacts of their activities. An example of this is the confidentiality clause contained in the regulatory framework for the Grand Interoceanic Canal Development Project, which stipulates that all documents, materials and other information associated with the project, whether technical, commercial or of some other nature, shall be treated as strictly confidential.[141] In addition, the Government has granted the concession company unrestricted rights to use the land, air and maritime areas in which the project will be implemented, as well as the right to extract, store, use, extend, expand, dredge, divert or reduce bodies of water and all other natural resources contained in these areas for a period of 50 years, extendible for a similar period.[142]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a national human rights institution with "A" status).

Civil society

AI	Amnesty International, London, UK;
AJUPIN	Asociación de Jubilados y Pensionados Independientes de Nicaragua, Managua, Nicaragua;
CANIC	Casa Alianza Nicaragua, Managua, Nicaragua;
CEDEHCA	Centro de Derechos Humanos, Ciudadanos y Autonómicos, P.AAS, Nicaragua;
CEJIL	Centro por la Justicia y el Derecho Internacional Mesoamérica, San José, Costa Rica;
CH	Centro Humboldt para la promoción del desarrollo territorial y la gestión ambiental, Managua, Nicaragua;
FI	Franciscans International, Geneva, Switzerland;
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, UK;
IHRC-OU	International Human Rights Clinic, University of Oklahoma College of Law, Norman, Oklahoma, USA;
ILLS	Instituto de Liderazgo de Las Segovias, Mozonte, Nicaragua;
MAM	Movimiento Autónomo de Mujeres, Managua, Nicaragua;
PEN	Pen International, London, UK;
PIDMM	Pueblo Indigena de Muy Muy en Matagalpa, Nicaragua y su Consejo de Ancianos, Managua, Nicaragua.

Joint submissions

JS1	Joint Submission No. 1 – Federación Coordinadora Nicaragüense de ONGs que trabajan con la Niñez y la Adolescencia (CODENI);

JS2 Joint Submission No. 2 – Article 19, Centro Nicaragüense de Derechos Humanos (CENIDH), Fundación Violeta Barrios de Chamorro (FVBCH), Centro de Investigaciones para la Comunicación (CINCO);

JS3 Joint Submission No. 3 – Centro por la Justicia y Derechos Humanos de la Costa Atlántica de Nicaragua (CEJUDHCAN) y el Centro Nicaragüense de Derechos Humanos (CENIDH);

JS4 Joint Submission No. 4 – Centro Nicaragüense de Derechos Humanos (CENIDH), Organización Mundial contra la Tortura (OMCT), Federación Internacional de Derechos Humanos (FIDH);

JS5 Joint Submission No. 5 Hagamos la Paz (FIATPAX), Asociación Nicaragüense de Jóvenes de Diversidad Sexual (ANJODISEX), Red Nicaragüense de Transgéneros (RedTrans), Red de Desarrollo Sostenible (R.D.S.); Mesa de Género y Redes Territoriales de Managua, Masaya y Chinandega de la Coordinadora Civil;

JS6 Joint Submission No. 6 – Comunidad Homosexual de Nicaragua, Comité Olímpico LGBTIQ de Nicaragua y Alianza Bisexual de Nicaragua;

JS7 Joint Submission No. 7 – Congregation of Our Lady of Charity of the Good Shepherd, Marist International Solidarity Foundation (FMSI), Dominicans for Justice and Peace (Order of Preachers International Office for catholic Education (OIEC);

JS8 Joint Submission No. 8 – World Alliance for Citizen Participation (CIVICUS), Nicaraguan Network for Democracy and Local Development (Red Local);

JS9 Joint Submission No. 9 – International Pregnancy Advisory Services CA, Grupo Estratégico por la Despenalización del Aborto Terapéutico en Nicaragua, Iniciativa por los Derechos Sexuales.

National Human Rights Institution

PPDH Procuraduría para la Defensa de los Derechos Humanos, Managua, Nicaragua.

Regional Organization

IACHR Inter-American Commission on Human Rights, Washington, DC, USA.

[2] PDDH, para. 11. See also AI, page 1, JS3, para. 4, CH, para. 1 and PIDMM, page 5.
[3] PDDH, para. 21.
[4] PDDH, para. 22.
[5] PDDH, paras. 2–4.
[6] PDDH, para. 20.
[7] PDDH, para. 12.
[8] PDDH, para. 5–9
[9] MAM, para. 12. See also ILLS, para. 10, JS4, para. 2.
[10] JS4, para. 1.
[11] ILLS, para. 20. See also JS5, para. 32.
[12] PEN, page 7.
[13] JS4, para. 5.
[14] AI, page 4. See also JS3, para. 30, IHRC-OU, pages 6–7, JS9, para. 32 and MAM, para. 11.
[15] JS1, page 1.
[16] MAM, para. 20. See also JS6, page 7.
[17] JS5, para. 23.
[18] JS1, page 2.
[19] JS6, page 9.
[20] PIDMM, page 3.
[21] PIDMM, page 5.
[22] CEJIL, para. 2. See also JS4, para. 6.
[23] CEJIL, para. 3.
[24] CEJIL, para. 4. See also ILLS, para. 10 and JS4, paras. 33–35.
[25] AJUPIN, para. 5.
[26] AJUPIN, para. 12.
[27] MAM, para. 15. See also IHRC-OU, page 6.
[28] JS1, page 2.
[29] JS1, page 3. See also IHRC-OU, page 6.

[30] JS4, para. 58.
[31] IHRC-OU, page 6.
[32] PIDMM, page 5.
[33] PIDMM, page 6. See also IHRC-OU, page 6.
[34] JS6, pages 2–3.
[35] JS6, page 9.
[36] JS1, page 2.
[37] PIDMM, page 6.
[38] JS5, para. 1.
[39] JS9, para. 1.
[40] JS9, para. 2.
[41] JS6, page 2.
[42] JS5, para. 5.
[43] JS5, para. 29.
[44] JS6, page 3.
[45] JS6, page 4.
[46] JS5, para. 2. See also JS6, page 2.
[47] JS5, para. 3.
[48] JS4, paras. 26 and 28.
[49] JS4, para. 12. See also AI, page 2.
[50] AI, page 4.
[51] JS4, para. 29.
[52] JS3, para. 8.
[53] JS3, para. 9.
[54] JS4, para. 25.
[55] JS5, para. 18.
[56] JS5, para. 33.
[57] AI, page 1.
[58] AI, page 3. See also JS1, pages 5–6, JS4, para. 53, JS7, para. 5, JS9, para. 28 and MAM, para. 17.
[59] AI, page 4. See also JS1, page 6.
[60] JS9, paras. 20–22 See also AI, page 3, IHRC-OU, page 7, ILLS, para. 16, JS1, pages 4–5, JS4, paras. 49–55, MAM, para. 19.
[61] JS9, para. 28. See also AI, page 4.
[62] GIEACPC, page 1.
[63] GIEACPC, para. 1.3.
[64] CANIC, page 1. See also JS1, pages 5– 6.
[65] CANIC, page 2.
[66] CANIC, page 4.
[67] JS1, page 9.
[68] JS1, page 9.
[69] JS4, para. 7.
[70] JS4, para. 11.
[71] JS4, para. 7.
[72] CEJIL, para. 5. See also paras. 28–33 and 31.
[73] CANIC, page 2. See also JS1, page 9.
[74] CANIC, page 3.
[75] CANIC, page 5.
[76] FI, paras. 7–8. See also IHRC-OU, pages 3–4, JS1, pages 1–2 and JS7, para. 7.
[77] FI, paras. 10–12.
[78] FI, para. 16 (a). See also JS1, page 2.
[79] IHRC-OU, page 4.
[80] ILLS, para. 12. See also JS5, para. 14 and MAM, para. 8.
[81] JS2, para. 6.
[82] JS4, paras. 15–17 See also AI, page 2.

[83] PEN, para. 31. See also IACHR page 3 and IACHR, Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2010 (2011), para. 339, ILLS, para. 4, JS2, para. 5 and JS8, paras 1.4–1.5 and 4.3.
[84] PEN, para. 8. See also JS2, paras. 24 and 33.
[85] IACHR page 3. See also IACHR, Annual Report of the Office of the Special Rapporteur for Freedom of Expression 2010 (2011), para. 340.
[86] PEN, page 7.
[87] JS8, para. 4.2.
[88] JS2, para. 42. See also JS8, para. 6.3.
[89] IACHR page 3. See also IACHR, The Right to Freedom of Expression in the Inter-American System on Human Rights (2009), para. 448.
[90] JS8, para. 6.3.
[91] JS2, para. 35. See also ILLS, para. 11.
[92] JS2, para. 43. See also IACHR page 3. See also IACHR, The Right to Freedom of Expression in the Inter-American System on Human Rights (2009), para. 447 and PEN, page 7.
[93] JS2, para. 17. See also PEN, paras. 5 and 19.
[94] JS2, para. 40.
[95] JS2, para. 21.
[96] JS2, para. 41.
[97] JS8, para. 2.2.
[98] JS8, para. 2.4.
[99] JS8, para. 6.1.
[100] JS8, paras. 3.1–3.3 See also JS2, para. 13, JS4, paras. 58–61 and MAM, para. 7.
[101] JS5, para. 14.
[102] JS8, para. 6.4.
[103] ILLS, paras.5–6. See also MAM, para. 5. See also JS8, paras. 2.5 and 6.1.
[104] ILLS, para. 7.
[105] JS4, para. 2.
[106] JS4, para. 31.
[107] JS8, para. 2.6.
[108] JS4, para. 47.
[109] JS6, page 6.
[110] JS7, para. 2.
[111] JS4, para. 3.
[112] JS4, para. 42. See also MAM, para. 9.
[113] JS1, page 6. See also JS4, para. 43.
[114] JS9, para. 14.
[115] JS9, para. 4. See also AI, pages 2–3.
[116] JS9, para. 18.
[117] JS9, paras. 9–10. See also AI, page 3, ILLS, para. 17 and JS1, pages 6–7.
[118] IHRC-OU, page 2.
[119] IHRC-OU, pages 2–3.
[120] IHRC-OU, page 3.
[121] CANIC, page 3.
[122] CANIC, page 4.
[123] JS5, para. 24.
[124] JS5, para. 25.
[125] JS1, pages 7–8. See also JS7, paras. 8–11.
[126] JS7, para. 13.
[127] CEDEHCA, page 4.
[128] JS6, pages 5–6. See also JS5, para. 21.
[129] JS1, page 8.
[130] JS3, para. 7.
[131] PIDMM, page 5.
[132] CH, para. 8. See also CEDEHCA, pages 1–2.
[133] JS3, para. 17.

[134] CEDEHCA, page 2.
[135] CEDEHCA, page 2.
[136] IHRC-OU, page 6.
[137] CH, para. 13.
[138] CH, para. 9.
[139] PIDMM, page 4.
[140] PIDMM, page 6.
[141] CH, para. 7. See also JS3, para. 26 and JS4, para. 41.
[142] CH, para. 11.